

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 16 - 6401

Manuel Perez

Plaintiff,

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

[Insert full name of plaintiff/prisoner]

JURY DEMAND

-against-

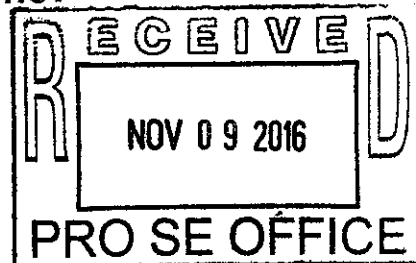
YES ☒ NO ☐

New York City Police Dept., Officers
Christopher Camacho, Kerri Hoover,
and Detective Kenneth Paccio from 115
Precinct, et al.

DONNELLY, J.

Richard A. Brown, Maryam N'ha Margo
Lipkansky, Assistant District
Attorney, District Attorney Office's,
and the Supreme Court, et al.,

LEVY, M.J.



Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Manuel Perez

If you are incarcerated, provide the name of the facility and address:

Woodbourne Correctional Facility, 99 Prison Road

P.O. Box 1000

Woodbourne, New York 12788

Prisoner ID Number: 05A1946

If you are not incarcerated, provide your current address:

Telephone Number: _____

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Christopher Camacho.

Full Name

New York City Police Officer in Queens.

Job Title

92-15 Northern Boulevard

Jackson Heights, Queens N.Y. 11372

Address

Defendant No. 2

Kerri Hoover,

Full Name

New York City Police Officer in Queens.

Job Title

92-15 Northern Boulevard

Jackson Heights, Queens N.Y. 11372.

Address

Defendant No. 3

Kenneth Paccio,

Full Name

New York City Detective in Queens County

Job Title

92-15 Northern Boulevard (Continue next page)

Defendant No. 4 Jackson Heights, Queens, N.Y. 11372
Address

Richard A. Brown, District Attorney, and
Maryam N'ha Margo Lipkansky.
Full Name

Assistant District Attorney in Queens.
Job Title

125-01 Queens Boulevard

Kew Gardens, N.Y. 11415
Address

Defendant No. 5 The Supreme Court, et al.
Full Name

New York State Supreme Court in Queens,
Job Title

125-01 Queens Boulevard

Kew Gardens, N.Y. 11415.
Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? 39-16 111th Street
Corona Queens, N.Y. 11368.

When did the events happen? (include approximate time and date) January 29, 2002,
approximately 5:05 a.m.

Facts: (what happened?) See The NEXT Eleven (11) Pages.

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Psysical and mental injuries; Psychiatrist treatment on a daily
basis, also under the care of medication psycotropic., Medical
treatment and medications for tyroid, asthma, allergies,
cholesterol, stomach, headache, dizziness, eye, and others
symptom. I request to be continue with psychiatrist treatment
and medical treatment with medications.

STATEMENT OF FACTS

On January 29, 2002, I was eating at a Fast Food restaurant located at 39-16 111th Street, at approximately 5:05 am. upon leaving the restaurant, I was approached by two (2) Officers (Christopher Camacho and Kerri Hoovert). At that time Police Officer Camacho ordered me to place my hands on the outside wall. After being searched by Officer Camacho, there was no contraband or any illegal items found on my possession. See exhibit. A. After that I was searched by Officer Camacho, P.O. Hoovert went inside of the restaurant. P.O. Hoovert supposedly found an empty gun magazine inside of the beer boxes, she also said that she found a gun in the back of the restaurant in a separate place. P.O. Hoovert came out of the restaurant stating that she wants to search me once again. After P.O. Hoovert searched me, she stated to me that she found an empty gun magazine in my pant pocket. The results of the ballistic testing of the gun were that the gun was inoperable due to improper firing pin assemble. See exhibit. B. Also no finger prints were taken from the gun or the empty magazine. Now there is no gun charges imposed against me at my sentencing. But on July 12, 2004, during trial A.D.A., Lipkasnki presented as evidence fabricated for the purpose of the positive ballistic reports, which would have matched the gun that was found on the day of my detention on January 29, 2002 at 5:05 am. I was originally detained because I had kicked out the window of the Police car and charged with Criminal mischief in the 3rd degree. After that I was stopped and searched without a probable cause. See exhibit. C. After this incident I was taken to the hospital because I was physically and mentally abused by Officer Hoovert and Officer Camacho and other unidentified Officers. I wasn't able to see for several hours due to being

pepper sprayed by Officers Hoovert and Camacho. I was suffering also with a asthma attack at the same time. See exhibit. C.

Officer Camacho and Officer Hoovert handcuffed me and placed me in the back seat of the Police car. I was trying to get out of the Police car because the window was closed, so I was forced to kick out the Policecar window. See exhibit. C.

On or about January 29, 2002, at approximately 8:00 am. from the hospital I was taken to the 115th precinct for the first time and initially charged for kicking out the window of the Police car.

Miranda Rights interview on January 29, 2002, at approximately 9:00 am. by Detectives in the 115th precinct for the initially charge of Criminal mischief in the 3rd degree. The N.Y.P.D. and the Queens County District Attorney's Office has certified that the original arrest report for Criminal mischief in the 3rd degree does not exist or cannot be found after their search. See exhibit. D. In this interview nobody was talking about any gun, empty gun magazine or any robbery accusations.

On or about January 29, 2002, at approximately 2:00 pm., I was taken to Central bookings to be arraign at Kew Gardens Queens, for the charges of Criminal mischief in the 3rd degree. Queens County District Attorney's Office denied me a copy of thus said document. See exhibit. E. My personal F.O.I.L. Request.

Before seeing the Judge I had suffered another asthma attack and had to be taken to the hospital again for the second time. While I was in the hospital for a few hours later on January 29, 2002, at approximately 6:40 pm. See exhibit. F.

When two (2) Police officers came over and stated that I had to go back to the 115th Precinct to be placed on a line-up for a Robbery accusation. This proceeding pertaining to the re-arrest of January 29, 2002, at approximately

6:40 pm. See exhibit. F.

Fourteen (14) hours between the original arrest January 29, 2002, at approximately 5:05 am. --- To the re-arrest January 29, 2002 at approximately 6:40 pm. From the hospital I was driven back to the 115th precinct for the second time at approximately 7:30 pm. Before I saw the Judge. At this time no miranda Rights were by any Detective's in the 115th precinct for the Robbery accusations or any other accusations before these three line-ups, my Mirandarights were violated. They have nothing existing to prove they had Mirandized me at any time.

On January 30, 2002, at approximately 12:15 am. On the next day twenty (20) hours later Detective Paccio, K., decided to place me in a line-up. See exhibit. G.

Detective Paccio forced me by threats to tell him the number of the seat I would be sitting in for these line-ups. since I wasn't afraid or didn't have anything to hide by sitting on these line-ups I told him that I would be sitting in seat number three (3). Eduardo Checo was the only person who accused me at Trail on July 12, 2004, Mr. Checo never once showed up in 115th Precinct to participate in the line-up procedure. See exhibit. G and H.

But the N.Y.P.D. and the District Attorney's Office in Queens has certified that these line-ups proceedings are unable to locate. See exhibit. H. Eduardo Checo.

The only person that supposedly identified me at trial gave two conflicting testimony's. One (1) when he called the Police on January 12, 2002. See exhibit. I.

The second (2) testimony made differently on July 12, 2004, at trial. See exhibit. J. Mr. Checo has a criminal record for felony convictions. See exhibit K.

Mr. Checo is addicted to cocaine. See exhibit. L.

Mr. Checo did not show up at the 115th precinct to participate at the line-ups. See exhibit. G and H.

The arresting Officers (Hoover and Camacho), along with A.D.A. Lipkanski used the re-arrest to fix the original arrest to make a positive I.D. and a big case against me. The A.D.A. stated that they originally arrested me for Robbery charges, they used the false testimony made by John Gutierrez as well as the false testimony of the arresting Officers (Hoover and Camacho).

When you review the Mapp, Wade and Huntley hearing which was conducted by Judge Grosso on February 19-21, 2003, it will reveal how Officer's Camacho, Hoover and the A.D.A. Lipkanski fabricated their own probable cause which included false testimony from Officers Hoover and Camacho, whom both testified that there was a man by the name of John Gutierrez who supposedly fingered me from a Police van and stated to them that I was the person who had robbed him. On July 19, 2004, Mr. John Gutierrez testified at trial. Mr. Gutierrez did not identified me. See exhibit. M.

When in reality there was no one other than the officers themselves in the Police van. At no time was Mr. Gutierrez present or inside any Police van on January 29, 2002, at approximately 5:05 am. On the location that I was detained at 39-16 111th street, Queens New York 11368. John Gutierrez testified at the Grand Jury against me in order to obtain permanent legal residency and citizenship in the United States. Mr. Gutierrez negotiated this deal with the District Attorney's Office Assistant Maryam Margo Lipkanski with the arresting Officers Hoover and Camacho. Mr. Gutierrez allegedly was robbed forty-five (45) minutes before I was detained for the Criminal mischief in the 3rd degree. These line-ups were conducted by Detective Paccio on January 30, 2002, at approximately 12:15 am. Four (4) hours later on

January 30, 2002, at approximately 4:15 am. Twenty four (24) hours after my original detention I was brought back to the courtroom for the second time without seeing any Judge. See exhibit. N. For this crime I was later indicted under the Ind. NO: 342/2002. During my trial proceeding I was assigned court appointed counsel Mr. Andrew Worgan 125-10 Queens Blvd., Kew gardens, N.Y. 11415, who among other things failed to put me in for a Dunaway hearing so that particulars of my arrest could rightfully be challenged, but Mr. Worgan did not do this. I was taken to trial without challenging all these errors and because my Attorney Mr. Worgan did not challenge these errors these things contributed to my conviction. I was found guilty at this trial because of the denial of the Dunaway hearing. I was assigned Ms. Denice Powell as my appellate counsel by this court. After being found guilty by the Lower courts I was sentenced to twenty (20) years in prison. The appellate counsel Ms. powell ignored the probable cause issue at hand which was the false testimony by the arresting Officers and the fabricated evidence. A simple review of the trial records concerning the Mapp, Wade and Huntley hearing conducted by Judge Grosso on February 19-21, 2003, will reveal that I was denied of a fair trial and opportunity for a fair litigation of the present claim. The probable cause for the arrest and accusation of robbery were completely fabricated.

Please see the 115th precinct log-book entry report of the original arrest report on January 29, 2002. There is no arrest reports for the robbery accusations on the date and time mentioned above. Till this date the N.Y.P.D. and the District Attorney's Office is still holding out these records. See exhibit C.

The court ignored to give me my due rights to a Dunaway hearing because they know that I had been illegally detained and that the presumed probable cause

for the arrest and accusations of this robbery were completely fabricated.

See exhibit O.

1-- There is no arrest reports in the records for the original arrest for the charges of Criminal mischief in the 3rd degree on January 29, 2002, at approximately 5:05 am. Please see the 115th precincts log-book. Also there is no arrest record for the robbery accusations or gun charges on the date and time mentioned above from 39-16 111th street, Queens New York 11368. See exhibit C.

2-- There is no record for the Miranda Rights interview for the charges of Criminal mischief in the 3rd degree from January 29, 2002, at approximately 9:00 am. See exhibit. D.

3-- There is no Miranda Rights interview after my re-arrest on January 29, 2002, at approximately 6:40 pm. while I was in the 115th precinct before these three (3) line-ups on January 29, 2002, at approximately 6:40 pm -- to January 30, 2002, at approximately 12:15 am. My Miranda Rights were never processed on this date and time. In 2003 the A.D.A. Lipkanski with arresting Officers Hoovert and Camacho sent Mr. Checo to Rikers Island at 1600 Hazen street, O.B.C.C. they placed Mr. Checo in a neighboring dormitory to the one I resided in, so that they could see if Mr. Checo recognized me in my physical traits in order to use Mr. Checo as a witness against me in court for my trial. Mr. Checo and I went to the messhall, yard and religious services together. One day mr. Checo asked me my name to which I told him my name is Manuel Perez. That was when I asked him who he was. Mr. Checo responded back saying "I am Eduardo Checo, but don't worry I won't go to court to accuse you since I don't know who did me harm." Many days later Mr. Checo disappeared from Rikers Island. Let the record reflect that the court records show the Judge for Mr. Checo's case dismissing Mr. Checo case. Mr.

Checo was brought to Rikers Island on absent criminal charges. He was brought to Rikers Island only on the pretenses of recognizing my face so I can be positively identified at trial on July 12, 2004. See exhibit Q. Mr. Checo was acquitted.

4-- There is nothing on the records from January 30, 2002, at approximately 12:15 am. to prove that these three (3) line-ups conducted by Detective Paccio were legal. See exhibit. H

5-- N.Y.P.D. and One Police Plaza have no records of these three (3) line-ups in their office. See exhibit H.

6-- Queens County District Attorney's Office also has no records, only the three pages sent to me by A.D.A. Rona Kugler. See exhibit. H.

7-- There is nothing on the records from the original arrest reports from 115th precinct log-book of January 29, 2002, at approximately 5:05 am. Also there is nothing from these line-ups. The Queens County District Attorney's Office made an illegal and false indictment without any documents to the indictment procedure 342/02. See exhibits. C and H.

Since January 29, 2002, at approximately 5:05 am., the date and time that I was detained. I have been illegally stopped by the arresting Officers kerri Hoovert and Chritopher Camacho from the 115th precinct in Queens county, they also illegal searched me, illegally arrested me and used false testimony by arresting Officers Hoovert and Camacho, as well as using a false testimony by a man named John Gutierrez who was used as a pawn by the arresting Officers combined with the District Attorney's office in Queens county. Not to mention the unlawful imprisonment under the indictment number 342/02.

This claim is based on the Fourth Amendment and the three (3) illegal/false line-ups, false testimony's and fabricated evidence. On March 29, 2005, I

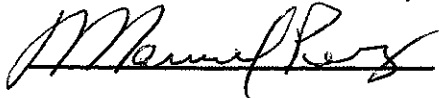
was sentenced after three (3) psychiatrist testified before the Judge Rotker and declared me unfit to stand trial or sentencing. Also see my F.O.I.L request on July 15, 2015. This request never will be completed because there is no records existing in the court files. See exhibit P.

I also have the courts findings from the 2004 proceedings page 19 which state "We know that on a number of occasions he has been found unfit. The 3.90 evaluation found me to be unfit as well as some Doctors on the 7.30 evaluation to find me unfit. Where they further go on to state on the record that they have done some earlier 7.30 examinations and come to find out that I have problems. The psychiatrist stated "I am not stating that he doesn't or that he is an angel. I think his psychiatric problems had the polysubstance abuse problems that go back a very, very long way." See exhibit R.

Here are a list of all the hospitals that I have been admitted to starting with Elmhurst hospital in Jackson Heights 11372. Bellvue hospital, Psychiatric records. Kings county hospital, psychiatric records. Mid-Hudson forensic psychiatric center hospital and the New York State Department system.

Today I am incarcerated once again by Officers from the same precinct of 115th in Queens county. Everything that is written here is true and exact. I am sure that I am serving time in prison illegally under indictment number# 342/02.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Manuel Perez', written over a horizontal line.

Mr. Manuel Perez #05-A-1946

Individual Complaint for each defendants

On January 29, 2002, approximately 5:05., Police Officers Christopher Camacho and Kerri Hoovert they stop, search and detained me without a probable cause in Violation of the fourt Amendment, I wasn't able to see for several hours due to being pepper sprayed by Officers Hoovert and Camacho, I was forced to kick out the police car window, due suffering asthma attack. And because all this they accused me for criminal mischief 3rd degree. Thirteen (13) hours after the same day at 6:40 p.m., while I was in the hospital for a few hours, two (2) Police Officers from 115 precinct came over and stated that I had to go back to the 115th precinct to be placed on a line-up for a robbery accusation. Officers Camacho and Hoovert fabricated their own probable cause for the arrest and for the accusations of robbery which included false restimony from Officers Camacho and Hoovert, whom both testified that there was a man by the name of John Gutierrez who supposedly fingered me from a police van and stated to them that I was the person who had robbed him. When in reality there was no one else than the Officers themselves in the police van. At no time was Mr. Gutierrez present or inside any police van on January 29, 2002, approx. 5:05 a.m., On July 19, 2004, Mr. Gutierrez testified at trial. Mr. Gutierrez did not identified me. they used the re-arrest to fix the original arrest to make a positive I.D. There is no miranda rights interview were conducted for robbery accusations on January 29, 2002, a.m. Or p.m. This day.

Detective Kenneth Paccio. On January 30, 2002, at approximately, 12:15 a.m. Twenty (20) hours after three (3) different line-ups were conducted by Detective Kenneth Paccio, illegal and fabricated without any documents to prove that those five (5) witnesses showed up in for these line-ups there is no existing documents for those line-ups.

Maryam Margo Lipkansky A.D.A., On february 6, 2002, the District Attorney Office's made a fabricated/false indictment without any evidence, or sufficient material to justify the charges brought against me. On Februar 19 and 21, 2003, thre differents hearing were conducted by Judge Grosso Part K-12. A.D.A. Lipkansky brought me to those hearing with false testimony by the arresting Officers Hoovert and Camacho, also false testimony made by John Gutierrez, and the fabricated evidence that was used by Judge Grosso in these three (3) hearings combined with A.D.A.

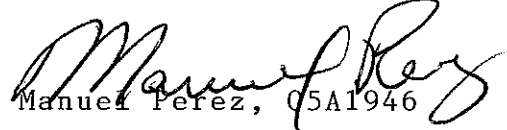
Lipkansky and Officers Hoovert and Camacho. My previous Lawyer Thomas G. Sheehan, witness of this process.

Judge Seymour Part K-19. On July 12, 19 and 20, 2004, A.D.A. Lipkansky brought me to trial in front of Judge Seymour with with fabricated evidence, false testimony from Officers Hoovert and Camacho also false testimony were given by a man named John Gutierrez, false testimony by detective Paccio. Judge Seymour K-19 knew that he was processing a illegal trial.

District Attorney Office's and Police Officers from 115th precinct.

On 2003, the A.D.A. Lipkansky with the arresting Officers Hoovert and Camacho combined with the Supreme Court sent Mr. Checo to Riker Island at 1600 Hazen Street without any charges against Mr. Checo. They placed Mr. Checo in a neighboring dormitory to the one I resided in, so that they could see if Mr. Checo recognized me in my physical traits in order to use Mr. Checo as a witness against me in Court for my trial.

Respectfully Submitted,


Manuel Perez, Q5A1946

Date: November/ 7, 2016.

Woodbourne Corr. Facility

III. Relief: State what relief you are seeking if you prevail on your complaint.

I want the N.Y.C. Police Department. P.O. Christopher Camacho,
P.O. Kerri Hoover, Detective Kenneth Paccio, Richard A. Brown,
Maryam N'ha Margo Lipkansky, District Attorney Office's and the
Supreme Court, et al., to pay me the sum of \$20.000.000, millions
dollar for unlawfull imprisonment with malisious inttentions,
since January 29, 2002, my life has been turned upside down as
well my Family and friends by those defendants above mentioned
for my arrest and incarceration illegally. END.

I declare under penalty of perjury that on _____, I delivered this
(date)
complaint to prison authorities at _____ to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 11/7/16


Signature of Plaintiff

Woodbourne Correctional Facility
Name of Prison Facility or Address if not incarcerated

99 Prison Road

P.O. Box 1000

Woodbourne, N.Y. 12788
Address

05A1946
Prisoner ID#

Manuel Perez, 05A1946
Woodbourne Corr Facility
99 Prison Road
P.O. Box 1000
Woodbourne, New York 12788

Aug
FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y
★ NOV 9 2016 ★

LONG ISLAND OFFICE

United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, N.Y. 11722

Re: Quuens County
Indictment No.:342/2002

November 1, 2016

Dear Hon. Clerk;

Enclosed please find, the original and two (2) copy of a complaint under the Civil Rights Act, 42 U.S.C. & 1983, alleged unlawfull imprisonment under the Queens Conty Ind. No.:342/02, stated with illegal stop, illegal search, illegal arrest, false testimony by the arresting Officers (Hoovert and Camacho), false/fabricate evidence, combined with A.D.A. Maryam Lipkansky, and false testimony were given by a man named John Guttierrez, three (3) fabricated line-ups.

The false testimony made by the arresting officers, and John Gutierrez, against me was made with the purpose of they fabricate their own probable cause stated that John Guttierrez identify me from a Police van, when in reality there was no one other then the officers themselves in the Police van. The probable cause for the arrest and accusation of robbery were completely fabricated. Please see 115 precinct Logbook on January 29, 2002, a.m. Thereis no arrest reports for robbery accusations on the ~~day~~ *day* and time above mentioned. My Constitutional Rights were Violated by those defendants above mentioned.

The District Attorney Office's made a false/illegal indictment without any evidence, or sufficient material to justify the charges brought against me.

cc: 115 Precinct Queens County
P.O. Christoper Camacho and
P.O. Kerri Hoover, and Det.
Kenneth Paccio.

Respectfully Submitted,

Manuel Perez
Manuel Perez

Queens County District Attorney
Office's, A.D.A. Maryam
Lipkansky.

Queens County Supreme Court
Judge Grosso and Seymour, et al.

(EXHIBIT A.)

F.O. Camacho-People-Cross

1 A. Yes.

2 Q. Was he by himself?

3 A. Yes.

4 Q. And you said to Mr. Perez, come outside?

5 A. I asked him if he could stand up and come outside
6 and have a word with me.

7 Q. What did Mr. Perez say back to you?

8 A. He said, "sure."

9 Q. Did you speak to him in English or Spanish?

10 A. English.

11 Q. And when you had him come outside, did you stop him
12 at the doorway to frisk him?

13 A. Yes.

14 Q. And did you recover anything at that point?

15 A. I did not recover anything.

16 MS. LIPKANSKY: Objection.

17 Q. Did you frisk him at that point?

18 A. I gave him a pat down.

19 Q. All right. And after you gave him a pat down, you
20 had him up against the wall outside the restaurant?

21 A. Not up against the wall, no.

22 Q. You had him just standing on the sidewalk?

23 A. Yes.

24 Q. Back to the wall?

25 A. No, back to me.

(Exhibit B.)

POLICE LABORATORY
ANALYSIS REPORT
 PD 521-151 (Rev. 9-95)-b2

Police Lab. No. FAS# 02/897
 Case No. _____ Sqd. _____
 U.F. 61 No. 1029 Pct. 115
 Arrest No. _____ Pct. _____
 Precinct Voucher No. 1248926
 Docket No. _____

LABORATORY CLASSIFICATION FIREARM EXAMINATION DATE 02/05/02

EVIDENCE
 MESS:FOR: P.O. HOOVER TAX#923962 1944 115 PCT.
 RANK NAME SHIELD No. COMMAND

02/01/02 THE FOLLOWING ITEMS LISTED BELOW:
 DATE

| Laboratory No. | Identifying Marks | EVIDENCE | DEFENDANT(S) |
|----------------|-------------------|----------|------------------------|
| FAS#02/897 | | | PEREZ, MANUEL 01/29/02 |

RESULTS OF EXAMINATION OR ANALYSIS:

GUN: 40 S&W H.M.I S/A PISTOL NO/MAG.
 SER# BQ3830
 MODEL STEALTH 4000
 3 3/4" BBL. 6 1/2" OVERALL LENGTH 6R
 WHITE METAL SLIDE BLACK FRAME & GRIPS

WMO W/GUN: NONE.

TEST: FUNCTION TESTED

RESULTS: GUN INOPERABLE DUE TO IMPROPER FIRING PIN ASSEMBLY.

IR - verified by *[Signature]*
 ASI # 02/897 2/5/02

I hereby certify that I tested / examined / analyzed the above described item(s) and that this report is a true and full copy of the original report made by me.
 False statements made herein are punishable as a Class "A" misdemeanor pursuant to section 210.45 of the Penal Law.

IN TO BEFORE ME THIS _____ DAY OF _____

_____, 19

[Signature]
 DET. NAPOLITANO FAS 5100

RANK NAME SHIELD No.
 CHEMIST / TECHNICIAN - POLICE LABORATORY

Set Ali #6248 2/5/02

(EXHIBIT C.)

Mr. Manuel Perez, #05-A-1946
Green Haven Correctional Facility
Box 4000
Stormville, N.Y. 12582

August 4, 2009

Kerry J. Kelly, Director
Chief Medical Officer
Fire Department City of New York
9 Metro Tech Center.
Brooklyn, N.Y. 11201

RE: Information of Report of 1/29/02

Dear Director Kelly:

On January 29, 2002, an FDNY Ambulance Unit responded to an
call from the 115 Precinct to take me to the Hospital. The Unit
that arrived issued an report under 49 NO. 3414401 4, ACR #06586-
88; Driver Shield #1168; Tech Shield #5948, Unit 46C1, CAD No.
0944. This unit took me to Booth Hospital on 1/29/02 at 0627

I am trying to identify the personnel who took me to the hospital
because their names are not in the report filed, and I was infor-
med to write to you for this information.

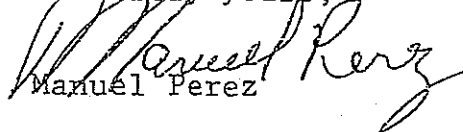
So to give you a better outlook as to what I am referring too,
enclosed please find a copy of said report, and please also
provide the address to the receiving hospital (BOOTH), or what-
ever hospital as identified at the bottom as (EGH).

I thank you for your time, attention and concern in this matter,
and look forward to your prompt response in this important
matter.

MP/

cc: File

Sincerely yours,


Manuel Perez

2009 AUG 24 P 4:12
OFFICE OF THE DEPT.
LEGAL AFFAIRS
COUNSEL



FIRE DEPARTMENT

9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

BUREAU OF LEGAL AFFAIRS

September 21, 2009

Manuel Perez
DIN: 05A1946
Green Haven Correctional Facility
Box 4000
Stormville, NY 12582

Re: Your Letter Dated: August 14, 2009
Our File No.: RRF-09-00168

Dear Mr. Perez:

This is in response to your letter dated August 4, 2009 (copy enclosed), in which you requested the identification of the Emergency Medical Technicians (EMTs) who responded to an incident on 111th Street and Roosevelt Avenue, Queens, New York on January 29, 2002.

According to Fire Department records the individual who holds badge number 5948 is EMT Robert Manzi and the individual who held badge number 1168 is now EMS Lieutenant Melba Luce (Badge Number 0283). EMT Robert Manzi is no longer an active employee of the NYC Fire Department. EMS Lieutenant Melba Luce is on leave of absence.

You may serve subpoenas requesting the last known addresses of EMT Manzi and EMS Lieutenant Luce at Fire Department Headquarters, 9 MetroTech Center, Brooklyn, NY 11201 with the appropriate fees.

Please be advised, the patient was transported to Elmhurst Hospital Center, 79-01 Broadway, Elmhurst, NY 11373.

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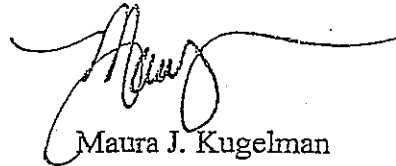
NO.: 5414401 4

FIRE DEPARTMENT CITY OF NEW YORK

I hereby certify that pursuant to CPLR 2306 and 2307 that this document is a true and accurate copy of a Fire Department record kept in the office of Fire Department business.

Michael J. ... Date 2/22/23

Very truly yours,

A handwritten signature in black ink, appearing to read 'Maura', with a long, sweeping horizontal line extending to the right.

Maura J. Kugelman
Records Access Officer

11 D41A 0518 0ESB10 10-91 0721 @*
 25 E11A 0518 @*A8659-020290433 8659
 05 E11A 0518 @*20 ETA 0522
 05 D42A 0518 @AF*
 08 D42A 0518 @*
 14 D34A 0521 115LT1 @*
 14 D34A 0522 115ST1 @*
 05 E11A 0523 @*25 46C1 BLSN
 12 D41A 0525 0ESB10 10-84 0525 @*
 05 D41A 0527 @*MALE BREAK OUT RMP WINDOW---NO FURTHER NEEDED 1
 399-CW
 05 D34A 0530 @AF*2ND REQST FOR EMS----111 & ROOSEVELT----D 232
 2 HOT
 05 E11A 0531 @*21
 05 E11A 0531 @*24 90
 05 E11A 0533 @D*17 EMS ENROUTE TO 111 ROOSEVELY ... PLZ ADV CO
 NDITION
 05 D41A 0533 @*EMS 699 NTF 1399-CW
 08 D34A 0534 @*
 14 D34A 0534 115SP4 @*
 05 D43A 0534 @D*AUTH OF EMS LT1 VIA LL--EMS ENROUTE--CW1630
 08 D34A 0534 @*
 14 D34A 0536 115A @*
 14 D34A 0538 115SP88 @*
 12 D41A 0546 0ESB10 10-87 0546 @*
 14 D34A 0547 115H @*
 14 D34A 0548 115F @*
 12 D34A 0549 115H 10-87 0549 @*EGH--
 13 D34A 0549 115F 10-98 0549 @*
 13 D34A 0550 115ST1 10-98 0550 @*
 14 D34A 0552 115LT1 @*
 13 D34A 0558 115A 10-98 0558 @*
 05 E05A 0608 @N*OU LOWNEY NTFD---SPCT SIMMONS
 08 E13A 0624 @*
 14 D34A 0643 115SP88 @*
 14 D34A 0651 115H @*
 08 E04A 0651 @*
 14 D34A 0705 115LT1 @*
 -1H- 14 D34A 0710 115SP4 @*
 14 D34A 0714 115SP88 @*
 13 D34A 0721 115SP4 10-92C 0721 @*
 13 D41A 0721 0ESB10 10-91 0721 @*97H

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. JOAN B. LOBIS

PART 6

JusticeMANUEL PEREZ,

INDEX NO. 100022/2015

Petitioner,

MOTION DATE 5/27/15

- v -

MOTION SEQ. NO. 001

RICHARD MANTELLINO, et al.,Respondents.

The following papers were read on this Article 75 petition.

Notice of Petition/ Order to Show Cause – Affidavits – ExhibitsPAPERS NUMBERED1, 2 (x-mot)Answering Affidavits – Exhibits3Replying Affidavits4

In this Article 78 proceeding, petitioner Manuel Perez seeks an order directing respondents Richard Mantellino, Lieutenant Record Access Officer, Jonathan David, Record Access Appeal Officer; New York City Police Department, and Queens County District Attorney (collectively "NYPD") to disclose documents under the Freedom of Information Law Public Officers Law Section 84 et seq. The NYPD cross-moves to dismiss claiming that the petition is untimely and that the documents are not in its possession. Petitioner argues that he sent his order to show cause to the Court in a timely manner but that the Court did not sign the order until after the 4 month statute of limitations.

The NYPD has certified that it does not possess the documents in question. It is well-settled that "[w]hen an agency is unable to locate documents properly requested under FOIL, Public Officers Law § 89(3) requires the agency to 'certify that it does not have possession of [a requested] record or that such record cannot be found after diligent search.'" Rattley v. N.Y. City Police Dep't, 96 N.Y.2d 873, 875 (2001). Lori Hernandez, the attorney for the NYPD in this matter, affirms that the records are not in the possession of the NYPD. This satisfies the requirements of the Public Officers Law. Due to this, the Court does not reach any other issues. Accordingly, it is ordered that the cross-motion is granted and the petition is dismissed.

Dated: June 29, 2015


JOAN B. LOBIS, J.S.C.

1. CHECK ONE:
2. CHECK AS APPROPRIATE:.....MOTION IS
3. CHECK IF APPROPRIATE:

- ☒ CASE DISPOSED ☐ NON-FINAL DISPOSITION
☒ GRANTED ☐ DENIED ☐ GRANTED IN PART ☐ OTHER
☐ SETTLE ORDER ☐ SUBMIT ORDER ☐ DO NOT POST
☐ FIDUCIARY APPOINTMENT ☐ REFERENCE



POLICE DEPARTMENT
LEGAL BUREAU
F.O.I.L. UNIT, ROOM 110C
ONE POLICE PLAZA
NEW YORK, NY 10038

August 14, 2012

Manuel Perez 05A1946
Green Haven Cor, NY 12582

File # 12PL101336
Your File #

Dear Sir or Madam:

This is in response to your letter dated, 2/20/12 in which you request access to certain records under the New York State Freedom of Information Law ("FOIL").

☒ FOIL was unable to locate an arrest of Perez, Manuel on 1/29/02 by the 115 Pct. You may want to contact NY State Division of Criminal Justice Albany NY 12203 and obtain your Criminal History for more accurate information.

- ☒ In total, 0 page(s) have been copied. Please remit payment of \$
☐ Documents are enclosed.
☐ Upon receipt of payment, documents will be mailed.

PAYMENT PROCEDURE

Send check or money order Payable to the "N.Y.C.P.D." (NO CASH).

Mail payment to:

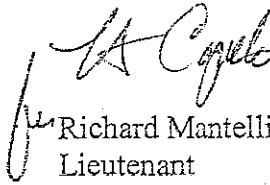
New York City Police Department, One Police Plaza -Room 110C, NYC 10038
Note: Please include the FOIL number on the check or money order

APPEAL PROCEDURE

You may appeal this decision or any portion thereof in writing, within thirty (30) days of the date of this letter, and forward it to:

Jonathan David
Records Access Appeals Officer, N.Y.C.P.D., One Police Plaza-Room 1406, NYC 10038-1497

Sincerely,


Richard Mantellino
Lieutenant
Records Access Officer

(Exhibit D)

Manuel Perez, #05A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-4000

March 9, 2015

TO: NEW YORK CITY POLICE DEPARTMENT
LEGAL BUREAU; F.I.O.L. UNIT-ROOM 110-C
ONE POLICE PLAZA
New York, NY 10038

Re: F.I.O.L. REQUEST (NYSID # 0520303R) (Manuel Perez, AKA
Miguel Perez, D.O.B. 11/23/65)

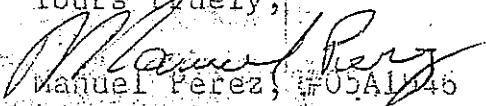
Dear Sir:

Under the aboved mentioned law, (FOIL), I am requesting a
copy of the following document[s]:

- A) A copy of the Miranda Card & or interview
while I was being Detained at the: 115 Precinct
by Officer[s]: Kerri Hoover, and Christopher
Camacho, on 1/29/02 at Approx. 4:30 A.M.,.

I thank you very much, for your time and attention to this
letter of FOIL request.

Yours truly,


Manuel Perez, #05A1946

cc.: Robert J. Freedom, Director
Committee on Open Government
One Commerce Plaza
99 Washington Plaza (Avenue)
Albany, NY 12231



POLICE DEPARTMENT
LEGAL BUREAU
F.O.I.L Unit, Room 110C
One Police Plaza
New York, NY 10038

04/06/15

Green Haven Correctional Facility
Mr. Manuel Perez 05A1946
P.O. Box 4000
Stormville, New York 12582

FOIL Req #: 2015-PL-2622
Your File #:

Dear Sir or Madam:

This is in response to your letter dated 03/09/15, which was received by this office on 03/17/15, in which you requested access to certain records under the New York State Freedom of Information Law (FOIL).

In regard to the document(s) which you requested, this unit is unable to locate records responsive to your request based on the information you provided.

You may appeal this decision or any portion thereof. Such an appeal must be made in writing within thirty (30) days of the date of this letter and must be forwarded to: Jonathan David, Records Access Appeals Officer, New York City Police Department, One Police Plaza, Room 1406, New York, NY 10038. Please include copies of the FOIL request and this letter with your appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard Mantellino'.

Richard Mantellino
Lieutenant
Records Access Officer

Request: LBF#15PL2622

I Missing The Appeal Letter OF
April 20, 2015. SORRY THANK YOU.

Perez, M.

A



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038

July 16, 2015

Manuel Perez, 05A1946
Green Haven Correctional Facility
PO Box 4000
Stormville, New York 12582

**RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF # 15PL2622**

Dear Mr. Perez:

This letter is in response to your letter dated April 20, 2015, appealing the determination of the Records Access Officer (RAO), dated April 6, 2015, of the request pursuant to the Freedom of Information Law, by your letter dated March 9, 2015.

The appeal is denied because your request is duplicative of your prior request under file number 12PL1336, and 06PL3216. The records referenced individually in your current request are a subset of your prior request, making such request duplicative.

Other exemptions under FOIL also may apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan David", is written over a printed name.

Jonathan David
Records Access Appeals Officer

c: Committee on Open Government

Manuel Perez, 05A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-4000

August 3, 2015

Mr. Jonathan David
Record Access Appeal Officer
New York City Police Department
One Police Plaza, Room 1406
New York, New York 10038

Re: Clarification *FOIL Request – Appeal No 15PL2622*

Dear Mr. David:

I am in receipt of your letter dated July 16, 2015, in which you stated the following: “The appeal is denied because your request is duplicative of your prior request under file numbers 12PL1336 and 06PL3216.” (See, **Exhibit – A**). Once again, I respectfully disagree with your statement for the following reasons:

First, the file numbers 06PL3216 & 12PL1336 are not related in whole or in part to the **FOIL No. 15PL2622**. In fact, file Number 06PL3216 was a FOIL request for a police arrest of January 30, 2002, and file Number 12PL1336 was a FOIL request for “arrest report and ballistic reports. (See, **Exhibit – B and B1**). Thus, either file number 06PL3216 or 12PL1336 have nothing to do with a FOIL request asking for the Miranda Rights card.

Second, The current **FOIL 15PL2622** is for the Miranda Rights card or interview conducted on January 29, 2002, which I originally requested on March 9, 2015. On March 23, 2015, I was informed that my request was still pending. On April 6, 2015, the request was denied. On April 20, 2015, I submitted my appeal. (See **Exhibit – C**).

Therefore, your denial to my FOIL request is not in accordance to provisions of law under POL and I respectfully request to review this matter accordingly and reinstate my appeal as soon as possible.

Thank you for your time and cooperation in this matter.

Sincerely,


Manuel Perez

cc: file

Exhibit "A"



POLICE DEPARTMENT
LEGAL BUREAU
F.O.I.L. UNIT, ROOM 110C
ONE POLICE PLAZA
NEW YORK, NY 10038

August 14, 2012

Manuel Perez 05A1946
Green Haven Cor, NY 12582

File # 12PL101336
Your File #

Dear Sir or Madam:

This is in response to your letter dated, 2/20/12 in which you request access to certain records under the New York State Freedom of Information Law ("FOIL").

☒ FOIL was unable to locate an arrest of Perez, Manuel on 1/29/02 by the 115 Pct. You may want to contact NY State Division of Criminal Justice Albany NY 12203 and obtain your Criminal History for more accurate information.

- ☒ In total, 0 page(s) have been copied. Please remit payment of \$
☐ Documents are enclosed.
☐ Upon receipt of payment, documents will be mailed.

PAYMENT PROCEDURE

Send check or money order Payable to the "N.Y.C.P.D." (NO CASH).

Mail payment to:

New York City Police Department, One Police Plaza -Room 110C, NYC 10038

Note: Please include the FOIL number on the check or money order

APPEAL PROCEDURE

You may appeal this decision or any portion thereof in writing, within thirty (30) days of the date of this letter, and forward it to:

Jonathan David

Records Access Appeals Officer, N.Y.C.P.D., One Police Plaza-Room 1406, NYC 10038-1497

Sincerely,

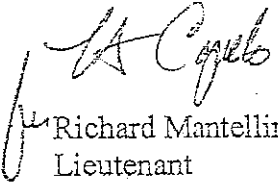

Richard Mantellino
Lieutenant
Records Access Officer

EXHIBIT "B"



POLICE DEPARTMENT

Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406
New York, New York 10038

May 4, 2007

Manuel Perez, 05A1946
Southport Correctional Facility
PO Box 2000
Pine City, New York 14871

**RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF # 06LPL103216**

Dear Mr. Perez,

This is in response your letter dated April 9, 2007, appealing the determination of the Records Access Officer, dated March 29, 2007, regarding records requested from the New York City Police Department pursuant to the Freedom of Information Law.

The appeal is denied because the records you requested are exempt from disclosure on the basis of Public Officers Law Section 87(2)(e)(i), in that such records, if disclosed, would interfere with judicial proceedings, such as a criminal trial or appeal.

In addition, no record of an arrest on January 30, 2002 was located, despite a diligent search.

Other exemptions under FOIL may also apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan David".

Jonathan David
Records Access Appeals Officer

c: Committee on Open Government



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038

September 22, 2015

Manuel Perez, 05A1946
Green Haven Correctional Facility
PO Box 4000
Stormville, New York 12582

**RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF # 15PL2622**

Dear Mr. Perez:

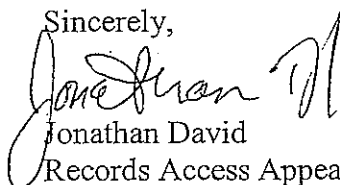
This letter is in response to your letter dated August 3, 2015, requesting reconsideration of the July 16, 2015 determination of your April 20, 2015 Freedom of Information Law (FOIL) appeal of the Records Access Officer (RAO), dated April 6, 2015, of the request pursuant to the Freedom of Information Law, by your letter dated March 9, 2015.

To the extent that your August 3, 2015 letter may have been intended as a further administrative appeal concerning the above-referenced FOIL request, please be advised that the Freedom of Information Law does not require reconsideration of an appeal. The July 16, 2015 determination by the undersigned was the final determination of your appeal. The Freedom of Information Law provides for only one administrative appeal of the denial of a FOIL request. You submitted your appeal, and an appeal determination was issued on July 16, 2015. The July 16, 2015 appeal determination was the final determination of your appeal concerning this FOIL request.

Other exemptions under FOIL also may apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,


Jonathan David
Records Access Appeals Officer

c: Committee on Open Government

(Exhibit E.)

Queens Central Booking/Processing
Queens County Court
F.O.I.L. Officer Unit
125-01 Queens Blvd.
Queens, N.Y. 11415

Mr. Manuel Perez, #05-A-1946
Green Haven Correctional Facility
P.O. Box 4000
Stonerville, N.Y. 12582

July, 2, 2009

Dock. #02QN003984
Dock. #02QN004057
Dear Sir/ Madam:

Re: People v. Perez,
Ind. No. #342/02
Queens County
F.O.I.L. Request

I am writing to this Office of the Queens County Central Booking pursuant to the Freedom of Information Law, Public Officers Law § 84 (2), and any other sections governing this request that this office provide me with the following materials, documents and records, to wit:

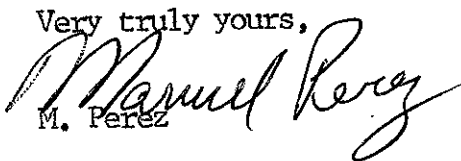
- a). Any and All records dated January 29, 2002 from this department.
- b). The LOG BOOK ENTRY of 1/29/02, in the p.m.,
- c). The log book of when I was removed from this Booking Area to be taken to the Hospital for an asthma attack.
- d). The log book of the arresting officer who brought me to the holding and process area for booking/process of 1/29/02.

Pursuant to Public Officers Law, §84 seq. this request and all relating matters, shall be answered and provided within the 10 business days upon notice of said request.

Thank you for your time, attention and consideration in this matter, and I look forward to hearing from you very soon. I remain

MP/files

Very truly yours,


M. Perez

Mr. Manuel Perez, #05A1946
Green Haven Corr Fac
P.O. Box 4000
Stormville, New York 12582

Queens Central Booking/Processing
Queens County Criminal Court
F.O.I.L. Officer Unit
125-01 Queens Blvd.
Kew Gardens, N.Y. 11415

July 6, 2009

Dock. #02QN003984
Dock. #02QN004057

Re: People v. Perez,
Ind. No. 342/02
Queens County
F.O.I.L. Request

Dear Sir/Madam:

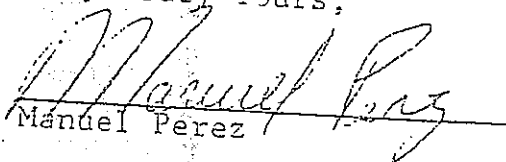
I am writing to this Office of the Queens County Central Booking pursuant to the Freedom of Information Law, Public Officers Law § 84 (2), and any other sections governing this request that this office provide me with the following materials, documents and records, to wit:

- a). Any and all records dated January 29, 2002 from this department.
- b). The LOG BOOK ENTRY of 1/29/02, in the PM.
- c). The log book of when I was removed from this Booking to be taken to the Hospital for an asthma attack.
- d). The log book of the arresting officer who brought me to the holding and process area for booking/process of 1/29/02. AM.

Pursuant to Public Officers Law, §84 seq. This request and all relating matters, shall be answered and provided within the 10 business days upon notice of said request.

Thank you for your time, attention and consideration in this matter, and I look forward to hearing from you very soon. I remain
MP/files

Very Truly Yours,


Manuel Perez

(EXHIBIT F.)

MEDICAL TREATMENT OF PRISONER
PD 244-150 (Rev. 12-99)-Pent-RMU

| | | | | | | | |
|---|--|---|--------------|--|---------------------|--------------------------------------|--|
| SECTION I - TO BE COMPLETED BY N.Y.P.D. | | | | | | Date 01/29/02 | |
| Prisoner's Name (Last, First, M.I.) (Print) Perez, Miguel | | | | | | Age 37 | Sex male |
| Address 34-35 112st Corona NY 11363 | | Street | | Zip Code | Apt. j | Telephone No. NONE | |
| Arresting Officer: PO Hoover, Herri | | Rank (Print) Name (Last, First, M.I.) | | Signature | Shield No. 1944 | Tax Reg. No. 923962 | Command 11.5 |
| Arrest No. 4195Q | | Cmd. Of Arrest 115 | | Charge 160.15 | | | |
| Escort Officer: PO Fong | | Rank (Print) Name (Last, First, M.I.) | | Signature | Shield No. 31978 | Tax Reg. No. 923198 | Command 11.5 |
| Prisoner Requests/Requires Medical Aid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Prisoner Refused Medical Aid <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Date 01/29/02 | Time 1910 | Prisoner's Signature Miguel Perez | |
| Transported To Hospital (Name) Booth | | Date 1/29/02 | Time 6:40 | Via Patrol Wagon # 21st | RMP # 2157 | ACR # | Operator Rank (Print) Name (Last, First, M.I.) |
| Returned From Hospital Date | | Attempted Suicide <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Nature Of Illness/Injury Asthma | | | If Injury <input type="checkbox"/> Old <input type="checkbox"/> New |
| Restraining Devices Used <input checked="" type="checkbox"/> Yes Type Handcuffs | | E. S. U. Responded <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | If Yes, Respondent's Rank (Print) Name (Last, First, M.I.) | | | |
| Prescription Medication <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Prescription Number And Name Of Physician | | Pharmacy / Phone No. | | Property Clerk Invoice No./Cmd. | |

Remarks:

At T/P/O, defendant, when seeing EMT at C.B.G. was asked how he felt, responded that he had tightness of the chest. Instructed by Sgt. Reabugi to take defendant to hospital on Parsons, Queens General Hospital

pt to take preventil spray puff g 3-4 hours

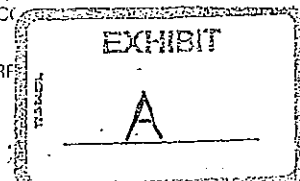
| | | | | | | | |
|---|---------------------------------------|---|------------------------------|---|--|---|--|
| Prisoner Refused Medical Aid In The Field <input type="checkbox"/> Yes <input type="checkbox"/> No | | Prisoner Refused Medical Aid At The Command <input type="checkbox"/> Yes <input type="checkbox"/> No | | Prisoner Refused Medical Aid Within The Court Section <input type="checkbox"/> Yes <input type="checkbox"/> No | | Recommend Prisoner Be Separated From General Population <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| M.S. Field Personnel | Print Name (Last, First, M.I.) | Shield # | Date | Time | Refer To Hospital Emergency Room <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| E.M.S. Court Section | Print Name (Last, First, M.I.) | Shield # | Date | Time | Refer To Hospital Emergency Room <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| NYPD Supervisor/ Desk Officer | Rank (Print) Name (Last, First, M.I.) | Signature | Cmd. Of Arrest/Court Section | | Date | Time | |

SECTION II - TO BE COMPLETED BY HOSPITAL MEDICAL STAFF

| | | | | | | |
|--|--|--|--|--|------|--|
| Admitted To Hospital <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Suicide Watch Recommended By Hospital Staff <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Transfer to Psychiatric Hospital Recommended By Hospital Medical Staff <input type="checkbox"/> Yes <input type="checkbox"/> No | Medication Prescribed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Medication To Be Taken As Prescribed <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Medication To Travel With Prisoner <input type="checkbox"/> Yes <input type="checkbox"/> No | Refer To Psychiatric Hospital <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | |
| Print Name (Last, First, M.I.) Leslie Julie | Signature [Signature] | Time [Signature] | Date | Time | | |
| NYPD Court Section Supervisor: | Rank (Print) Name (Last, First, M.I.) | Signature | Court Section | Date | Time | |
| Received By Department Of Correction: | Rank (Print) Name (Last, First, M.I.) | Signature | Shield / I.D. # | Date | Time | |


DISTRIBUTION: 1. WHITE, 2. BLUE, 3. PINK - DEPT. OF CORRECTION, 4. BUFF - CMD. OF ARREST, 5. GREEN - ARRAIGNING JUDGE.
(Receipt will be obtained by Escorting Officer on PINK COPY and returned to COURT SECTION facility. Upon receipt of PINK COPY, I will remove BUFF COPY from FILE and forward it to COMMAND OF ARREST FOR FILE.)

NOTE: A PHOTO COPY OF THIS FORM MAY BE PROVIDED UPON REQUEST TO HEALTH AND HOSPITALS CORP.



ARREST Report - Q02004195

Page 1 of 2

|  | New York City Police Department Omniform System - Arrests | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|--|--|--------|-------------------------------|--------|-------------|-----|----|------------|---|---|---|-------------------------------|-----|----|------------|---|---|---|------------------------------|-----|----|------------|---|---|---|-----------------------|-----|----|------------|---|---|---|-------------------------------|
| RECORD STATUS: NYSID/ARRAIG | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arrest ID: Q02004195 - Q | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arrest Location: 103 AND 39 AVENUE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pct: 115 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arrest Date: 01-29-2002 Processing Type: ON LINE Time: 05:04:00 DCJS Fax Number: Q0003833 Sector: I Special Event Code: - Strip Search Conducted: DAT Number: 0 Viper Initiated Arrest: Stop And Frisk: Return Date: 0000-00-00 Serial #: 0000-000-00000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ARREST DATA - COMPLAINT NOT REQUIRED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jurisdiction: NYPD <u>NYC School Safety Data:</u> <u>NYC Transit Data:</u> Premises: On School Property: Station: Location Within: School Type: Line #: Occur.Date/Time: 2002-01-29 - 04:14:00 School Num: Location: <u>NYC Housing Development:</u> School Name: Offense Location: 103 ST -39 AVE Borough: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CHARGES: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arrest #: Q02004195 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CHARGE</th> <th>ATTEMPT?</th> <th>LAW CODE</th> <th>CLASS</th> <th>TYPE</th> <th>COUNTS</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>TOP</td> <td>No</td> <td>PL 1601501</td> <td>F</td> <td>B</td> <td>1</td> <td>ROBBERY-1ST:CAUSE SERIOUS INJ</td> </tr> <tr> <td>#02</td> <td>No</td> <td>PL 2650300</td> <td>F</td> <td>C</td> <td>1</td> <td>CRIM POSS WEAPON- 2ND DEGREE</td> </tr> <tr> <td>#03</td> <td>No</td> <td>PL 1450500</td> <td>F</td> <td>E</td> <td>1</td> <td>CRIMINAL MISCHIEF-3RD</td> </tr> <tr> <td>#04</td> <td>No</td> <td>PL 1654501</td> <td>F</td> <td>E</td> <td>1</td> <td>CPSP-4TH:PROPERTY VAL >\$1000</td> </tr> </tbody> </table> | | CHARGE | ATTEMPT? | LAW CODE | CLASS | TYPE | COUNTS | DESCRIPTION | TOP | No | PL 1601501 | F | B | 1 | ROBBERY-1ST:CAUSE SERIOUS INJ | #02 | No | PL 2650300 | F | C | 1 | CRIM POSS WEAPON- 2ND DEGREE | #03 | No | PL 1450500 | F | E | 1 | CRIMINAL MISCHIEF-3RD | #04 | No | PL 1654501 | F | E | 1 | CPSP-4TH:PROPERTY VAL >\$1000 |
| CHARGE | ATTEMPT? | LAW CODE | CLASS | TYPE | COUNTS | DESCRIPTION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOP | No | PL 1601501 | F | B | 1 | ROBBERY-1ST:CAUSE SERIOUS INJ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| #02 | No | PL 2650300 | F | C | 1 | CRIM POSS WEAPON- 2ND DEGREE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| #03 | No | PL 1450500 | F | E | 1 | CRIMINAL MISCHIEF-3RD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| #04 | No | PL 1654501 | F | E | 1 | CPSP-4TH:PROPERTY VAL >\$1000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DWI Arrest from: # Injured: 00 # Fatalities: 00 Test Given: B.A.C: Reason Not Forfeit: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DETAILS: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arrest #: Q02004195 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AT T/P/O COMP STATES THAT ABOVE DEF BRANISHED A HANDGUN AND ASKED FOR HIS M ONEYAND FORCIBLY REMOVED PROPERTY.DEF VERB MENACED COMP. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DEFENDANT: PEREZ, MIGUEL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NYSID #: 05720803R Arrest #: Q02004195 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Nick/AKA/Maiden: Sex: MALE Race: WHITE HISPANIC Age: 27 Date Of Birth: 1975-01-01 U.S. Citizen: YES Place Of Birth: NEW YORK Is this person not Proficient in English?: If Yes, Indicate Language: Accent: Identification ID: Identification #: Physical Condition: UNKNOWN Drug Used: NONE </td> <td style="width: 50%; vertical-align: top;"> Height: 5FT 05IN Weight: 150 Eye Color: BROWN Hair Color: BLACK Hair Length: SHORT Hair Style: STRAIGHT Skin Tone: MEDIUM Complexion: CLEAR Soc.Security #: Occupation: UNKNOWN Lic/Permit Type: Lic/Permit No: </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> Order Of Protection: Issuing Court: Docket #: 02Q0004057 Expiration Date: Relation to Victim: NONE Living together: NO Can be Identified: Gang/Crew Affiliation: Name: Identifiers: </td> </tr> </table> | | Nick/AKA/Maiden: Sex: MALE Race: WHITE HISPANIC Age: 27 Date Of Birth: 1975-01-01 U.S. Citizen: YES Place Of Birth: NEW YORK Is this person not Proficient in English?: If Yes, Indicate Language: Accent: Identification ID: Identification #: Physical Condition: UNKNOWN Drug Used: NONE | Height: 5FT 05IN Weight: 150 Eye Color: BROWN Hair Color: BLACK Hair Length: SHORT Hair Style: STRAIGHT Skin Tone: MEDIUM Complexion: CLEAR Soc.Security #: Occupation: UNKNOWN Lic/Permit Type: Lic/Permit No: | Order Of Protection: Issuing Court: Docket #: 02Q0004057 Expiration Date: Relation to Victim: NONE Living together: NO Can be Identified: Gang/Crew Affiliation: Name: Identifiers: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | |
|--|-------------------------|-------------------------|------------------------|-----------------|---|
| LOCATION | ADDRESS | CITY STATE/CNTRY | ZIP | APT/ROOM | PCT |
| HOME-PERMANENT | 34-38 112 STREET NY | NEW YORK | | | 115 |
| Phone # and E-Mail Address: | | | | | |
| N.Y.C.H.A. Resident: N.Y.C. Housing Employee: On Duty: YES Development: N.Y.C. Transit Employee: | | | | | |
| Physical Force: | | | | | |
| Gun: HANDGUN Weapon Used/Possessed: NONE Make: Recovered: Non-Firearm Weapon: Color: Serial Number Defaced: Other Weapon Description: Caliber: Serial Number: Type: Discharged: NO | | | | | |
| Used Transit System: NO Station Entered: Time Entered: Metro Card Type: Metro Card Used/Poses: Card #: | | | | | |
| CRIME DATA DETAILS | | | | | |
| JUVENILE DATA: | | | | | Arrest #: Q02004195 |
| Juvenile Offender: Relative Notified: Personal Recog: 0 Number Of Priors: 0 Name: School Attending: Phone Called: Mother's Maiden Name: Time Notified: | | | | | |
| ASSOCIATED ARRESTS: | | | | | Arrest #: Q02004195 |
| ARREST ID COMPLAINT # | | | | | |
| DEFENDANTS CALLS: | | | | | Arrest #: Q02004195 |
| CALL # NUMBER DIALED NAME CALLED | | | | | |
| INVOICES: | | | | | Arrest #: Q02004195 |
| INVOICE# COMMAND PROPERTY TYPE VALUE | | | | | |
| ARRESTING OFFICER: POF KERRI A HOOVERT | | | | | Arrest #: Q02004195 |
| Tax Number: [REDACTED] On Duty: YES Other ID (non-NYPD): [REDACTED] In Uniform: YES Shield: [REDACTED] Squad: 01 Department: NYPD Chart: 01 Command: 115 Primary Assignment: | | | | | Force Used: NO Type: Reason: Officer Injured: NO |
| Arresting Officer Name: POF HOOVERT, KERRI A | Tax #: [REDACTED] | Command: 115 | Agency: NYPD | | |
| Supervisor Approving: | Tax #: 000000 | Command: | Agency: NYPD | | |
| Report Entered by: | Tax #: 000000 | Command: | Agency: NYPD | | |
| END OF ARREST REPORT Q02004195 | | | | | |

Print this Report

(EXHIBIT G.)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS CRIMINAL TERM PART TAP A

THE PEOPLE OF THE STATE OF NEW YORK

-against-

IND #: 342/2002

MANUEL PEREZ,

Defendant

**NOTICE OF INTENTION TO OFFER AT TRIAL TESTIMONY OF
A WITNESS WHO HAS PREVIOUSLY IDENTIFIED THE DEFENDANT AS
THE PERSON WHO WAS OBSERVED AT THE TIME AND PLACE
WHEN OFFENSE(S) CHARGED WERE COMMITTED OR UPON SOME
OTHER RELEVANT OCCASION, PURSUANT TO CPL § 710.30 (1) (b)**

PLEASE TAKE NOTICE, that the People intend to offer at trial testimony of a witness, JOHN GUTIERRES, who identified the defendant in a Point-out, on January 29, 2002, at approximately 5:03 a.m., at in front of 39-16 111 Street.

PLEASE TAKE NOTICE, that the People intend to offer at trial testimony of a witness, FRANCES BAEZ, who identified the defendant in a Line-up, on January 30, 2002, at approximately 12:28 a.m., at 115 Squad.

PLEASE TAKE NOTICE, that the People intend to offer at trial testimony of a witness, JOSE BAEZ, who identified the defendant in a Line-up, on January 30, 2002, at approximately 12:33 a.m., at 115 Squad.

PLEASE TAKE NOTICE, that the People intend to offer at trial testimony of a witness, FRANCISCO REYNOSO, who identified the defendant in a Line-up, on January 30, 2002, at approximately 12:25 a.m., at 115 Squad.

(Exhibit H)

Manuel Perez, #05A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

February 17, 2015

TO: Lt. Richard Mantellino
Records Access Officer
(NYPD) Legal Bureau
F.O.I.L. Unit Room 110-C
One Police Plaza
New York, NY 10038

Re: F.O.I.L. material (People v. Manuel Perez, Queens County)
-Indictment #342/2002, [2002QN003984 & 2002QN004057] NYSID#
0520803R.

Dear Lt. Mantellino:

Greetings, I am the Defendant in the aboved mentioned matter, and as such, I am hereby requesting the following FOIL MATERIAL, FROM your office and records:

1) I am requesting the following records pertaining to five (5), different lineups that had been conducted on me on January 30, 2002, at Approx. 12:15-12:25 A.M.,. At the 115 Precinct, Queens County, By Detective Paccio, K.

2) I would further like to request any written proof of the attendance of the following complaining witnesses:

- a) Francisco Reinoso
- b) Eduardo Checo
- c) Jose Baez
- d) John Gutierrez (and)
- e) Francis Baez

Whom supposedly participated at those lineups as Complaining witnesses, during the aboved date and time.

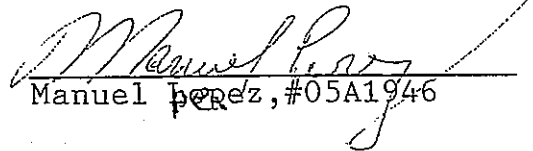
3) I am futher requesting: Disclosure of the amount paid to those fillers that participated as fillers in the aboved mentioned (5) Five lineups that had been conducted on me at the aboved time and date mentioned above.

4) I am further requesting to know the name[s] of [all] of the complaining witnesses that viewed those five (5) lineups mentioned above.

Finally, I am requesting disclosure of the name(s) and Badge #'s of any of the offices whom's assignment it was to participate in the aboved mentioned lineups.

I thank you kindly, for your time and attention to this
F.O.I.L. REQUEST, REGARDING THE ABOVE MENTIONED MATTER.

Respectfully requested,


Manuel Perez, #05A1946

cc.: Records & Files
Robert J. Freedom Director
Committee on open Government
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231



POLICE DEPARTMENT
LEGAL BUREAU
F.O.I.L Unit, Room 110C
One Police Plaza
New York, NY 10038

03/04/15

Green Haven Correctional Facility
Mr. Manuel Perez 05A1946
P.O. Box 4000
Stormville, New York 12582

FOIL Req #: 2015-PL-1954
Your File #:

Dear Sir or Madam:

This is in response to your letter dated 02/17/15, which was received by this office on 02/25/15, in which you requested access to certain records under the New York State Freedom of Information Law (FOIL).

In regard to the documents(s) which you requested, I must deny access to these records on the basis of Public Officers Law Section 87(2)(f) as such records/information would endanger the life or safety of witnesses.

You may appeal this decision or any portion thereof. Such an appeal must be made in writing within thirty (30) days of the date of this letter and must be forwarded to: Jonathan David, Records Access Appeals Officer, New York City Police Department, One Police Plaza, Room 1406, New York, NY 10038. Please include copies of the FOIL request and this letter with your appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Mantellino".

Richard Mantellino
Lieutenant
Records Access Officer

Line ups

Manuel Perez, 05A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-4000

March 13, 2015

Mr. Jonathan David
Record Access Appeal Officer
New York City Police Department
One Police Plaza, Room 1406
New York, New York 10038

FOIL REQUEST No.: 2015-PL- 1954

Dear Mr. David:

Please accept this letter as my formal appeal regarding a FOIL request dated February 17, 2015. (See enclosed Exhibit – A). The reason for this appeal is due to the NYC Police Department FOIL Office's failure to provide me with documents that I am requesting which are allow under FOIL to be released to me.

It was stated that the reason for their denial was because such record/information would endanger the life or safety of witnesses 87(2)(f) (see, attached Exhibit – B). While it is true that records requested that falls under the abovementioned section of the law are exempt from FOIL, my request does not falls under this section. The reason for this is that any pertinent information that may create the possibility of endangerment of life or safety of the witnesses could be extracted by redacting from the documents requested the information the FOIL officer consider sensitive. POL §89(2)(c) specifically states such and the documents/information I am seeking falls within this provision of law. Thus, NYC Police Department FOIL Officer shall and must make the documents requested available as soon as possible.

Thank you for your time, help, and cooperation in this matter.

Sincerely,


Manuel Perez

cc: file



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038

July 16, 2015

Manuel Perez, 05A1946
Green Haven Correctional Facility
PO Box 4000
Stormville, New York 12582

RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF # 15PL1954

Dear Mr. Perez:

This letter is in response to your letter dated March 13, 2015, appealing the determination of the Records Access Officer (RAO), dated March 4, 2015, of the request pursuant to the Freedom of Information Law, by your letter dated February 17, 2015.

The appeal is denied because your request is duplicative of your prior request under file numbers 12PL1336 and 06PL3216. The records referenced individually in your current request are a subset of your prior request, making such request duplicative. In addition, your request is also duplicative of your prior request under file number 14PL6918. Moreover, the appeal is further denied because a diligent search was previously conducted for the requested records; however, the requested records were not located.

Other exemptions under FOIL also may apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan David".

Jonathan David
Records Access Appeals Officer

c: Committee on Open Government

Manuel Perez, 05A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-4000

July 31, 2015

Mr. Jonathan David
Record Access Appeal Officer
New York City Police Department
One Police Plaza, Room 1406
New York, New York 10038

Re: Clarification *FOIL Request – Appeal No 15PL1954*

Dear Mr. David:

I am in receipt of your letter dated July 16, 2015, in which you stated the following: “The appeal is denied because your request is duplicative of your prior request under file numbers 12PL1336 and 06PL3216.” (See, **Exhibit – A**). I respectfully disagree with your statement for the following reasons:

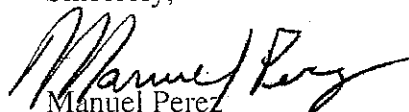
First, the file numbers 06PL3216 & 12PL1336 are not related in whole or in part to the FOIL No. 15PL1954. In fact, file Number 06PL3216 was a FOIL request for a police arrest of January 30, 2002, and file Number 12PL1336 was a FOIL request for “arrest report and ballistic reports. (See, **Exhibit – B and B1**). Thus, either file number 06PL3216 or 12PL1336 have nothing to do with a lineup proceeding.

Second, The current FOIL 15PL1954 is for a lineup proceeding conducted in January 30, 2002, which I originally requested on August 4, 2014, and due to your failure to respond I resubmitted again on February 17, 2015. On March 3, 2015, the request was denied. On March 13, 2015, I submitted my appeal and on July 17, 2015, I submitted a follow up appeal due to your failure to respond to my FOIL request. (See **Exhibit – C**).

Therefore, your denial to my FOIL request is not in accordance to POL requirements and I respectfully request to review this matter accordingly and reinstate my appeal as soon as possible.

Thank you for your time and cooperation in this matter.

Sincerely,


Manuel Perez

cc: file

EXhibit "A"



POLICE DEPARTMENT
LEGAL BUREAU
F.O.I.L. UNIT, ROOM 110C
ONE POLICE PLAZA
NEW YORK, NY 10038

August 14, 2012

Manuel Perez 05A1946
Green Haven Cor, NY 12582

File # 12PL101336
Your File #

Dear Sir or Madam:

This is in response to your letter dated, 2/20/12 in which you request access to certain records under the New York State Freedom of Information Law ("FOIL").

☒ FOIL was unable to locate an arrest of Perez, Manuel on 1/29/02 by the 115 Pct. You may want to contact NY State Division of Criminal Justice Albany NY 12203 and obtain your Criminal History for more accurate information.

☒ In total, 0. page(s) have been copied. Please remit payment of \$

☐ Documents are enclosed.

☐ Upon receipt of payment, documents will be mailed.

PAYMENT PROCEDURE

Send check or money order Payable to the "N.Y.C.P.D" (NO CASH)

Mail payment to:

New York City Police Department, One Police Plaza -Room 110C, NYC 10038

Note: Please include the FOIL number on the check or money order

APPEAL PROCEDURE

You may appeal this decision or any portion thereof in writing, within thirty (30) days of the date of this letter, and forward it to:

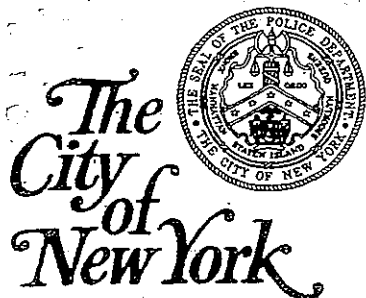
Jonathan David

Records Access Appeals Officer, N.Y.C.P.D, One Police Plaza-Room 1406, NYC 10038-1497

Sincerely,

Richard Mantellino
Lieutenant
Records Access Officer

EXhibit "B"



POLICE DEPARTMENT

Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406
New York, New York 10038

May 4, 2007

Manuel Perez, 05A1946
Southport Correctional Facility
PO Box 2000
Pine City, New York 14871

RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF # 06LPL103216

Dear Mr. Perez,

This is in response your letter dated April 9, 2007, appealing the determination of the Records Access Officer, dated March 29, 2007, regarding records requested from the New York City Police Department pursuant to the Freedom of Information Law.

The appeal is denied because the records you requested are exempt from disclosure on the basis of Public Officers Law Section 87(2)(e)(i), in that such records, if disclosed, would interfere with judicial proceedings, such as a criminal trial or appeal.

In addition, no record of an arrest on January 30, 2002 was located, despite a diligent search.

Other exemptions under FOIL may also apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

Jonathan David
Records Access Appeals Officer

c: Committee on Open Government



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038

September 22, 2015

Manuel Perez, 05A1946
Green Haven Correctional Facility
PO Box 4000
Stormville, New York 12582

RE: FREEDOM OF INFORMATION LAW
REQUEST: LBF # 15PL1954

Dear Mr. Perez:

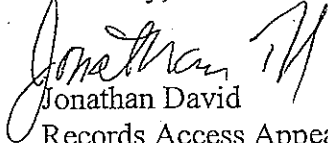
This letter is in response to your letter dated July 31, 2015, requesting reconsideration of the July 16, 2015 determination of your March 13, 2015 Freedom of Information Law (FOIL) appeal of the Records Access Officer (RAO), dated March 4, 2015, of the request pursuant to the Freedom of Information Law, by your letter dated February 17, 2015.

To the extent that your July 31, 2015 letter may have been intended as a further administrative appeal concerning the above-referenced FOIL request, please be advised that the Freedom of Information Law does not require reconsideration of an appeal. The July 16, 2015 determination by the undersigned was the final determination of your appeal. The Freedom of Information Law provides for only one administrative appeal of the denial of a FOIL request. You submitted your appeal, and an appeal determination was issued on July 16, 2015. The July 16, 2015 appeal determination was the final determination of your appeal concerning this FOIL request.

Other exemptions under FOIL also may apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,


Jonathan David
Records Access Appeals Officer

c: Committee on Open Government

Line-ups

Manuel Perez
Din No: 05A1946
Green Haven Correctional Facility
P.O. BOX. 4000
Stormville, New York 12582

QUEENS COUNTY
DISTRICT ATTORNEY OFFICE
ATT: Rona I. Kugler
Assistant District Attorney
Records Access Officer
125-01 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

May 18, 2015

Re: NOTICE OF REQUEST PURSUANT TO THE FREEDOM OF INFORMATION ACT
5 U.S.C.A. 552, AND THE PRIVACY ACT OF 1974-5 U.S.C.A. 552(a) AND
THE REGULATIONS PROMULGATED UNDER THE ABOVE REFERENCED ACTS.
Indictment Number: 342/2002. Docket No: 2002QN003984 & 2002QN004057
NYSID No: 052080R.

Dear: Assistant District Attorney. Rona I Kugler

Good morning!

The herein is to respectfully request pursuant to the above
referenced Acts, that this Honorable Office (please) afford me
a copy of the following records pertaining to five different
line-ups that had been conducted on me on January 30, 2002, at
approx. 12:15-12:25 AM., at the 115 Precinct, Queens County, by
Detective Paccio, K.

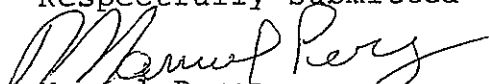
Further, I would like to respectfully request also, any
written proof of the attendance of the following witnesses:

- a) Francisco Reinoso
- b) Eduardo Checo
- c) Jose Baez
- d) John Gutierrez
- e) Francis Baes

Thank you for your Honorable time, assistance, and for
reading my correspondence. I would appreciate your prompt response.

Have a good day!

Respectfully submitted


Manuel Perez



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

RICHARD A. BROWN
DISTRICT ATTORNEY

June 30, 2015

Manuel Perez
05-A-1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

Re: Freedom of Information Law Request
People v. Manuel Perez
Queens County Indictment Number 342/02

This letter is in response to your request for three line-ups conducted on January 30, 2002, in the above-referenced matter pursuant to the Freedom of Information Law (FOIL). A diligent search of our records has revealed that the following items are disclosable to you:

3 Pages: 115th Precinct Squad Line-Up Forms prepared by Detective Paccio for all three line-ups conducted on January 30, 2002.

3 pages @ \$0.25 = \$.75

If you wish to obtain copies of the items listed above, please send a **postal money order or a certified bank check in the amount of \$.75, payable to the "Office of the District Attorney of Queens County."** This fee covers our reproduction costs and is permissible under Public Officers Law § 87(1)(b)(iii). After we receive your payment, copies of these documents will be processed and mailed to you.

Freedom of Information Law Request

Page 2

People v. Manuel Perez

Queens County Indictment Number 342/02

As to your new request dated May 18, 2015, for written proof of the attendance of the following witnesses: Francisco Reinoso, Eduardo Checo, Jose Baez, John Gutierrez, Francis Baes, I am constrained to deny this request. No document in our files meets the description of this request. An agency is not required to create new records or compile data from documents in its possession, but merely to turn over records which already exist. *In re Brown v. New York City Police Department*, 264 A.D.2d 558 (1999); *Di Rose v. New York State Department of Correctional Services*, 216 A.D.2d 691 (3d Dept. 1995); *Reubens v. Murray*, 194 A.D.2d 492 (1st Dept. 1993). Indeed, "an agency is under no obligation to furnish documents which it does not possess." *Rivette v. District Attorney of Rensselaer County*, 272 A.D.2d 648 (3d Dept. 2000). Similarly, the Freedom of Information Law is not a vehicle under which an agency is required to answer questions, but instead, is only a means by which an individual may seek existing records. See Committee on Open Government FOIL-AO-4069 and FOIL-AO-4058. Thus, because no document in the case file meets the terms of this request, there is nothing that I can provide to you.

Within 30 days of this letter, you have the right to appeal this determination to Executive Assistant District Attorney John Castellano, the FOIL Appeals Officer, Office of the District Attorney of Queens County, 125-01 Queens Boulevard, Kew Gardens, New York 11415.

Regards,



Rona I. Kugler
Assistant District Attorney
Records Access Officer

RK/mz

Manuel Perez, 05A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-4000

July 10, 2015

John Castellano, Executive Assistant ADA
FOIL Appeal Officer
Office of the District Attorney
Of Queens County
125-01 Queens Blvd
Kew Gardens, New York 11415

FOIL REQUEST No.: 342/02 – **APPEAL**

Dear Mr. Castellano:

Please accept this letter as my formal appeal regarding a FOIL request dated May 18, 2015. (See enclosed **Exhibit – A**). The reason for this appeal is due to the Queen County ADA FOIL Officer's failure to follow the stipulation stated under P.O. L §89(2)(c), and provide me with the documents that I am requesting which are allow under FOIL to be released to me.

Thus, I respectfully request to conduct an investigation into this matter and provide me, at a suitable time, the documents I am seeking through my FOIL request

Thank you for your time, and cooperation in this matter.

Sincerely,


Manuel Perez

cc: file



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NY 11415-1568
(718) 286-6000

Richard A. Brown
District Attorney

July 29, 2015

Manuel Perez
05-A-1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

Re: *Freedom of Information Law Appeal*
People v. Manuel Perez
Queens County Indictment Number: 342/02

Dear Mr. Perez:

This letter is in response to your letter dated July 10, 2015 appealing the June 30, 2015 partial denial of your request for documents pursuant to the Freedom of Information Law ("F.O.I.L."). For the reasons that follow, your appeal is denied.

ADA Kugler correctly denied your F.O.I.L. request from the above-referenced matter for written proof of attendance of the following witnesses: Francisco Reinoso, Eduard Checo, Jose Baez, John Gutierrez, and Francis Baes. As she explained, no document in the case file met this description. Thus, because we do not possess any such document, there were no records that we could provide to you in relation to this request.

Ms. Kugler's reliance on the law to support her denial was proper too. As she stated, an agency is not required to create new records or compile data from documents in its possession, but merely to turn over records which already exist. *In re Brown v. New York City Police Department*, 264 A.D.2d 558 (1999); *Di Rose v. New York State Department of Correctional Services*, 216 A.D.2d 691 (3d Dept.

Freedom of Information Law Request

Page 2

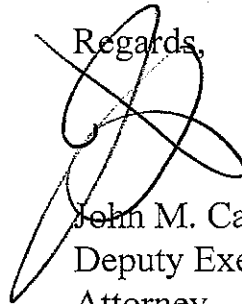
People v. Manuel Perez

Queens County Indictment Number 342/02

1995); *Reubens v. Murray*, 194 A.D.2d 492 (1st Dept. 1993). Further, ADA Kugler was correct in further noting that “an agency is under no obligation to furnish documents which it does not possess.” *Rivette v. District Attorney of Rensselaer County*, 272 A.D.2d 648 (3d Dept. 2000). Similarly, as ADA Kugler told you, the Freedom of Information Law is not a vehicle under which an agency is required to answer questions, but instead, is only a means by which an individual may seek existing records. See Committee on Open Government FOIL-AO-4069 and FOIL-AO-4058.

Accordingly, because no document in the case file meets your description, your appeal is hereby denied.

Regards,

A handwritten signature in black ink, appearing to read 'John M. Castellano', is written over the typed name.

John M. Castellano

Deputy Executive Assistant District
Attorney

FOIL Appeals Officer

RIK/jvb



Richard A. Brown
District Attorney

DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415
(718) 286-6000

August 6, 2015

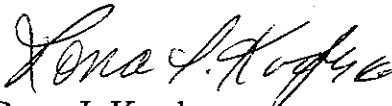
Manuel Perez
05-A-1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

Freedom of Information Law Request
People v. *Manuel Perez*
Queens County Indictment #342/02

Dear Mr. Perez:

We have received your payment for documents from the above-referenced case file and are currently processing your request. We will process your documents and contact you within sixty days from the date of this letter.

Regards,


Rona I. Kugler
Assistant District Attorney
Records Access Officer

RIK/kv

Manuel Perez, DIN #05-A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, N.Y. 12582

November 3, 2015

Rona I. Kugler
Assistant District Attorney
Queens County District Attorney Office
125-01 Queens Blvd.
Kew Gardens, N.Y. 11415

FREEDOM OF INFORMATION LAW REQUEST
PEOPLE V. MANUEL PERE
QUEENS COUNTY INDICTMENT #342/02

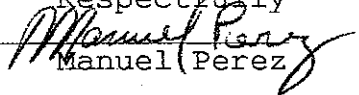
Record Access Officer Rona Kugler:

I have received a correspondence from your office informing me that based on my prior FOIL request and the receipt of payment, that my request would be processed; and that I would be contacted within 60 days of August 6, 2015.

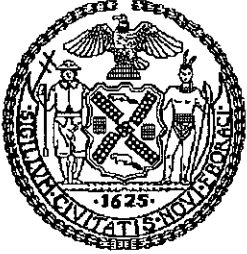
As of the writing of this letter, the 60 days has elapsed and I have not received anything from your office. I am asking that you look into this matter and notify me as to the status of this FOIL request.

The resolution of this matter with disclosure of the requested information would be greatly appreciated. Thank you in advance.

Respectfully


Manuel Perez

cc: file



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

RICHARD A. BROWN
DISTRICT ATTORNEY

March 21, 2016

Manuel Perez
05-A-1946
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, New York 12788

Re: Freedom of Information Law Request
People v. Manuel Perez
Queens County Indictment No. 342/02

Dear Mr. Perez:

We have received your check in the amount of \$0.75. Enclosed are copies of the items that you requested from the above-referenced case:

3 Pages: 115th Precinct Squad Line-Up Forms prepared by Detective Paccio for all three line-ups conducted on January 30, 2002.

Please note that some of the documents contain redactions. An agency may delete identifying details out of concern for privacy of individuals. *Corbin v. Ward*, 160 A.D.2d 596 (1st Dept. 1990); *Harris v. City University of New York*, 114 A.D.2d 805 (1st Dept. 1985). Here we redacted personal information, such as dates of birth, police officer Tax identification numbers, telephone numbers, and addresses.

Regards,

Rona I. Kugler
Assistant District Attorney
Records Access Officer

RK/dr

115 SQUAD LINEUP FORM

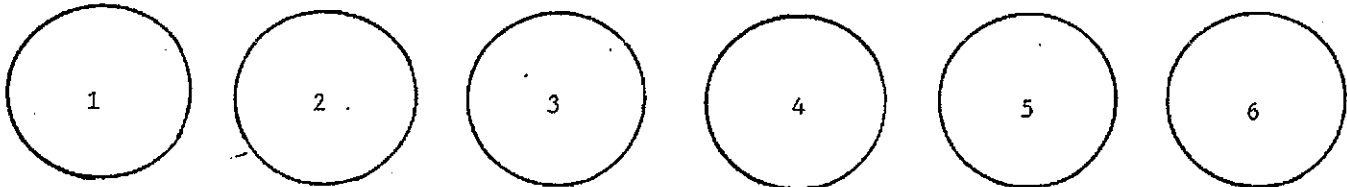
COMPLAINT # 1030 CASE# 88 CRIME Robbery

DATE OF LINEUP _____ TIME OF LINEUP _____ HRS _____

DETECTIVE ASSIGNED Paccio SHIELD 6327

SUPERVISOR Sgt Maiale COMMAND 115 SQD

VIEWING POSITIONS FROM LEFT TO RIGHT



PARTICIPANTS:

POS#1 _____ SIGNATURE _____
ADDRESS _____

POS#2 _____ SIGNATURE _____
ADDRESS _____

POS#3 Miguel Perez SIGNATURE _____
ADDRESS _____

POS# _____ SIGNATURE _____
ADDRESS _____

POS# _____ SIGNATURE _____
ADDRESS _____

POS# _____ SIGNATURE _____
ADDRESS _____

QUESTIONS TO VIEWER

DO YOU RECOGNIZE ANYONE? _____ ANSWER: YES

WHAT NUMBER DO YOU RECOGNIZE? _____ ANSWER: 3

WHERE DO YOU RECOGNIZE THAT PERSON FROM? "The guy who robbed me in the Bodega"

VIEWER NAME FRANCISCO REINSD SIGNATURE [Signature]

115 SQUAD LINEUP FORM

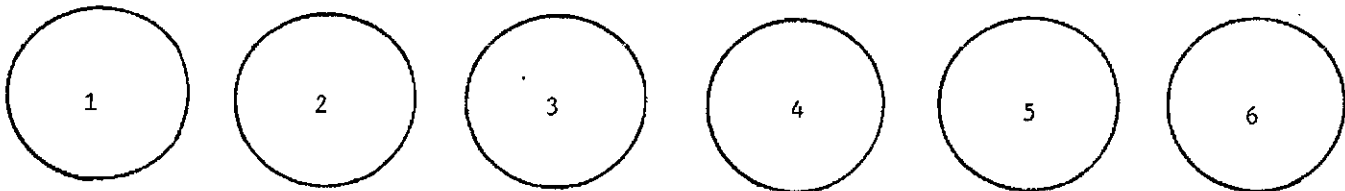
COMPLAINT # 1030 CASE# 88 CRIME Robbery

DATE OF LINEUP _____ TIME OF LINEUP _____ HRS _____

DETECTIVE ASSIGNED Paccio SHIELD 6327

SUPERVISOR Sgt Maiale COMMAND 115 SQD

VIEWING POSITIONS FROM LEFT TO RIGHT



PARTICIPANTS:

POS#1 _____ RE _____
ADDRESS _____

POS#2 _____ SIGNATURE _____
ADDRESS _____

POS#3 Miguel Perez SIGNATURE _____
ADDRESS _____

POS#4 _____ SIGNATURE _____
ADDRESS _____

POS#5 _____ SIGNATURE _____
ADDRESS _____

POS#6 _____ SIGNATURE _____
ADDRESS _____

QUESTIONS TO VIEWER

DO YOU RECOGNIZE ANYONE? _____ ANSWER: Yes

WHAT NUMBER DO YOU RECOGNIZE? _____ ANSWER: 3

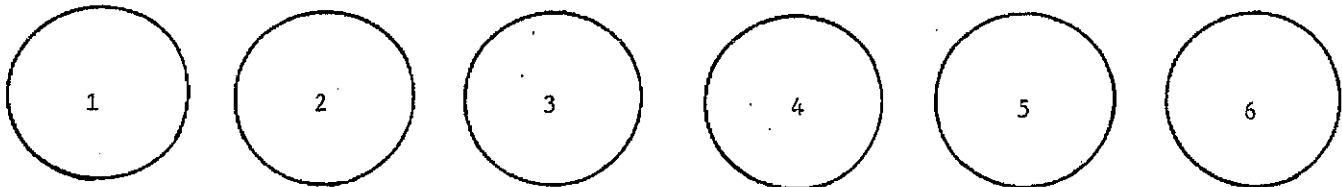
WHERE DO YOU RECOGNIZE THAT PERSON FROM? "The guy who did the robbery"

VIEWER NAME FRANCES BACA SIGNATURE Frances Baca

115 SQUAD LINEUP FORM

COMPLAINT # 1030 CASE# 88 CRIME Robbery
DATE OF LINEUP _____ TIME OF LINEUP _____ HRS _____
DETECTIVE ASSIGNED Paccio SHIELD 6327
SUPERVISOR Sgt Maiale COMMAND 115 SQD

VIEWING POSITIONS FROM LEFT TO RIGHT



PARTICIPANTS:

POS#1 [REDACTED] SIGNATURE _____
ADDRESS [REDACTED]
POS#2 [REDACTED] SIGNATURE _____
ADDRESS [REDACTED]
POS#3 Miguel Perez SIGNATURE _____
ADDRESS [REDACTED]
POS#4 [REDACTED] SIGNATURE _____
ADDRESS [REDACTED]
POS#5 [REDACTED] SIGNATURE _____
ADDRESS [REDACTED]
POS#6 [REDACTED] SIGNATURE _____
ADDRESS [REDACTED]

QUESTIONS TO VIEWER

DO YOU RECOGNIZE ANYONE? _____ ANSWER: YES

WHAT NUMBER DO YOU RECOGNIZE? _____ ANSWER: 3

WHERE DO YOU RECOGNIZE THAT PERSON FROM? "The guy that came in the store"

VIEWER NAME Joe Baez SIGNATURE [Signature]

(Exhibit I.)

| | | | | | | | |
|---|--|---|--|--|--|--|--|
| Date of Report | | Date Received | | File No. | | File Reporting | |
| 1/12/02 | | 1/12/02 | | 115 | | Ram | |
| Complainant's Name - Last, First, M.I. | | | | Victim's Name - If Different | | | |
| Checo, Eduardo | | | | 115 Ram | | | |
| Last Name, First, M.I. | | Address, Include City, State, Zip | | | | | |
| Home Telephone | | Business Telephone | | Position / Relationship | | Sex, Race, Date of Birth, Age | |
| Total No. of Perpetrators | | Wanted | | Arrested | | Weapon | |
| | | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> Used <input type="checkbox"/> Possessed | |
| Describe Weapon (If firearm, give color, make, caliber, type, model, etc.) | | | | | | | |
| Wanted | | Arrested | | Last Name, First, M.I. | | Address, Include City, State, Zip | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | | | Apt. No. Res. No. | |
| Sex, Race | | Date of Birth | | Age | | Height | |
| | | | | | | Weight | |
| Eye Color | | Hair Color | | Hair Length | | Facial Hair | |
| <input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses | | Clothing Description | | Scars, Marks, M.O., Etc. | | (Continue in "Details") | |
| Nickname, First Name, Alias | | | | | | | |
| Wanted | | Arrested | | Last Name, First, M.I. | | Address, Include City, State, Zip | |
| <input type="checkbox"/> | | <input type="checkbox"/> | | | | Apt. No. Res. No. | |
| Sex, Race | | Date of Birth | | Age | | Height | |
| | | | | | | Weight | |
| Eye Color | | Hair Color | | Hair Length | | Facial Hair | |
| <input type="checkbox"/> Eyeglasses <input type="checkbox"/> Sunglasses | | Clothing Description | | Scars, Marks, M.O., Etc. | | (Continue in "Details") | |
| Nickname, First Name, Alias | | | | | | | |
| AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS." | | | | | | | |
| Comp. Interviewed | | In Person | | By Phone | | Date | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> | | <input type="checkbox"/> | | Time | |
| Witness Interviewed | | In Person | | By Phone | | Date | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> | | <input type="checkbox"/> | | Time | |
| Results: Same as Comp. Report - Different (Explain in Details) | | | | | | | |
| Results: Same as Comp. Report - Different (Explain in Details) | | | | | | | |
| Canvass Conducted | | If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results | | Crime Scene Visited | | If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Complainant Viewed Photos | | Results: | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | | | | | | |
| Witness Viewed Photos | | Results: | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future | | | | | | | |
| Crime Scene Dusted | | By (Enter Results in Details) | | Crime Scene Photos | | By (Enter Results in Details) | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted | | | | | | | |
| DETAILS: Investigation: Robbery Subject : Response/Interview with Eduardo Checo | | | | | | | |
| On 1/12/02 the undersigned along with Det McCann, did respond to 102-01 37 ave in regards to a Robbery. The undersigned did interview Mr Eduardo Checo in regards to the Robbery and one shot being fired. During the interview the complainant stated the following in sum and substance: Mr Checo states while he was standing behind the counter of his store waiting in customers, an unk male subject enter his store and went to the rear of the store, the male then approached the counter and fired his gun at the floor and stated "nobody move" and "give me your money, and your bracelet give me everything" Mr Checo further states he complied, and the male then fled the location in a unk dark auto. Mr Checo then states the customers in the store left the location and didn't await the arrival of he police. C/V Eduardo Checo informed the undersigned that there no injuries, to himself or customers (witnesses). The undersigned conferred with Mr Checo if there were any video surveillance camera in the store C/V stated there were not. Mr. Checo provided the following description M/Hisp/approx 35yrs old 5'5 130-lbs Puerto Rican- Accent(dialect). gray-jacket blk knit- hat Mr Checo provided the following contact numbers hm# [REDACTED] wk# [REDACTED] | | | | | | | |
| CASE ACTIVE..... | | | | | | | |
| CASE | | DATE REVIEWED / CLOSED | | IF ACTIVE, DATE OF NEXT REVIEW | | | |
| <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED | | 1-12 | | | | | |
| REPORTING | | RANK | | SIGNATURE | | NAME PRINTED | |
| OFFICER: | | DET | | [Signature] | | COUGHLIN | |
| REVIEWING / CLOSING | | CASE | | ENTER DESIGNATION | | TAX REG. NO. | |
| SUPERVISOR: | | CLOSED: C | | OR 3 | | 885451 115 Ram | |
| | | | | SIGNATURE | | C.O.'s INITIALS | |

(Exhibit J.)

1 Q He said this in Spanish, correct?

2 A Yes.

3 Q Are there different Spanish dialects?

4 A In what way?

5 Q Well, somebody say who comes from Colombia --

6 THE COURT: Why don't ask you if the witness
7 knows what he was speaking. You're trying to qualify
8 him as an expert in dialect. Ask your question.

9 Q When he spoke, this person spoke, could you tell
10 what country he came from?

11 A When he fired and at that moment, no.

12 THE COURT: Could you tell by virtue of the
13 way he spoke, and he spoke the Spanish language, could
14 you tell from what country he came from?

15 THE WITNESS: He said it was a holdup in
16 Spanish.

17 THE COURT: I understand that. Do you
18 understand what a dialect means?

19 THE WITNESS: Yes.

20 THE COURT: Could you tell if he was from the
21 Dominican Republic, from Puerto Rico, from Colombia,
22 from any of the countries? Could you tell by virtue of
23 the way he spoke Spanish what country you thought he
24 was from?

25 THE WITNESS: I thought he spoke like a

^

1 Q Where was this fifth person when you first
2 noticed him?

3 A He went in and walked to, to the rear of the
4 store. I thought he was shopping for something.

5 Q When you say he walked to the rear, does that
6 mean he walked past you?

7 A He -- yes. He entered and passed by and walked
8 to the rear. He looked like a normal customer who was
9 looking for something.

10 Q And you've never seen this person before?

11 A Never.

12 Q Do you know what he was wearing?

13 A On that day?

14 Q Yes, on that day.

15 A Pants and a polo shirt. I don't remember the
16 color. I was nervous.

17 Q Well, you weren't nervous when he first walked
18 in?

19 A No, because he entered like he was shopping like
20 a normal customer.

21 Q So when you first saw this person that walked in,
22 you weren't nervous?

23 A No. I thought he was shopping.

24 Q Right. Was this person wearing a hat?

25 A No, he didn't have anything on.

1 Dominican.

2 THE COURT: Okay. Go on. Next question.

3 Q Do you recall telling the police that you thought
4 the person was from Puerto Rico?

5 MS. LIPKANSKY: Objection.

6 THE COURT: Overruled.

7 A It seemed -- he seem to be like a Puerto Rican.

8 Q You just said Dominican a minute ago.

9 A I said that he appeared he like, like a Puerto
10 Rican. Not that he spoke like one.

11 Q Did you tell the police that his accent was
12 Puerto Rican?

13 A No.

14 Q Now, from the time the person entered the grocery
15 store to the time that he said that this was a holdup, how
16 much time had elapsed?

17 A How much time had passed?


18 Q Yes.

19 A After he fired the shot it was about four or five
20 minutes.

21 Q No. From the time he walked in the door to the
22 time he said that this is a holdup, how much time did that
23 take?

24 A About 10 minutes.

25 Q How much time did he spend in the back of the



1 A That's an odd question. 170 or 180. I don't
2 know. I couldn't say how much he weighs.

3 Q Did you tell the police at the time that you
4 spoke to them that night how much the person weighed?

5 A No. They didn't ask me.

6 Q Did anybody ever ask you how tall the person was
7 or how much he weighed?

8 A I don't recall.

9 Q Did you ever tell any police officer that the
10 person who robbed you was 130 pounds?

11 A I don't recall.

12 Q Did you ever tell them the person was five foot
13 five?

14 A I said five something. I don't recall.

15 Q But you don't recall telling them the person,
16 that the person was 130 pounds?

17 A At that moment I don't remember anything. I was
18 very nervous.

19 Q Do you ever remember telling them the person was
20 wearing a black winter hat -- yes, a black winter hat?

21 A Halfway down his head.

22 Q But didn't you just tell us a few moments ago he
23 wasn't wearing a hat?

24 A Now, now I do recall that he did have a folded
25 over hat.

1 THE COURT: Just show it to the jury. Just
2 stand up in front of the jury.

3 You will have a chance to see it. You can
4 show it.

5 (Shown to the jury.)

6 MS. LIPKANSKY: Could that be shown to the
7 witness one more time for just a moment?

8 THE COURT: Yes.

9 Q Mr. Checo, could you take a look at that and tell
10 us -- you told us the shot that was fired went into a Coca
11 Cola display. Is that display shown on one of those
12 photographs?

13 A This refrigerator right here.

14 Q That's on 3-B you're pointing to?

15 A It's in front, yes.

16 THE COURT: Is that 3-B?

17 COURT OFFICER: Yes, Judge.

18 Q And is that the right-hand side of the
19 photograph?

20 A Yes, on the right-hand side.

21 THE COURT: Why don't you turn it around.
22 Show it to the jury and let the witness point it out.

23 Point out where you claim the machine is.

24 A It's right here, Coca Cola. That's the entrance
25 to the bodega. The counter is right there.

1 gun go off?

2 A He fired down and then he pointed it at me.

3 Q So when the gun was fired it was not pointed at
4 you?

5 A No. He fired the shot to let everyone know it
6 was a holdup.

7 MR. WORGAN: Judge, I'm going to object to
8 that.

9 THE COURT: Stricken from the record.

10 Ask your next question.

11 The jury is to disregard the answer.

12 Q The gun was fired down into the ground, correct?

13 A Yes.

14 Q And then he said something --

15 THE INTERPRETER: I'm sorry, counsel?

16 Q And after the gun was fired he said something?

17 A He said, this is a holdup. No one move.

18 Q In English or in Spanish?

19 A In Spanish.

20 Q You had never spoken to this person?

21 A No.

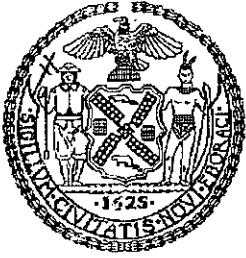
22 THE COURT: Time. Would you step up, please.

23 (Sidebar discussion off the record.)

24 THE COURT: You may proceed, Mr. Worgan.

25 MR. WORGAN: Thank you, Judge.

(Exhibit K)



DISTRICT ATTORNEY QUEENS COUNTY

125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

RICHARD A. BROWN

DISTRICT ATTORNEY

**PEOPLE vs. MANUEL PEREZ
IND. NO. 342/2002**

List of Criminal Convictions for Eduardo Checo, pursuant to C.P.L. § 240.45(1)

5/3/02 -- P.L. § 220.06(5), Criminal Possession of a Controlled Substance in the Fifth Degree

There are no pending criminal cases.

(EXHIBIT L.)

1 you claim you were held up by an individual. Just yes
2 or no?

3 THE WITNESS: No, I had stopped.

4 Q Well, didn't you just say a couple of minutes
5 ago --

6 THE COURT: The form of the question is bad.

7 MR. WORGAN: Okay.

8 Q When did you start using drugs?

9 THE COURT: For the first time.

10 THE WITNESS: It was about three years ago.

11 Q Okay. Three years ago would have been in '01.
12 This is '04, correct?

13 A When I was arrested it was in 2001.

14 THE COURT: That's not the question posed,
15 Mr. Checo. Listen carefully.

16 When did you first start using cocaine? Was
17 it in 2001, 2002, 2003, when?

18 THE WITNESS: In the year 2000.

19 THE COURT: Okay.

20 Q And for how long did you use drugs?

21 A About one or two years. It was a mistake that I
22 committed.

23 THE COURT: Whatever the mistake was,
24 whatever it was, were you using drugs continuously as a
25 recreation or for whatever purposes in 2000, 2001, and

(EXHIBIT M.)

1 the library, 104th, 39th Street. So what I did is instead
2 of going towards my car I kept walking to see by any chance
3 he will, he will stop following me.

4 Q What happened?

5 A As I did that, you know he made -- he like, like
6 he stopped following me. He went a different way. So I
7 just kept walking towards -- I kept walking past my car,
8 cause I didn't want him to see I was getting to my car.

9 MR. WORGAN: Objection.

10 THE COURT: Stricken, what he didn't want him
11 to see.

12 You walked past your car, Mr. Gutierrez, for
13 whatever reason.

14 Go on. Next question.

15 A Then I turned back towards my car. And as I
16 turned towards my car, I get into my car, I see him coming
17 back.

18 Q This is the same person who had approached you
19 outside the restaurant?

20 A Yes. But at this time once I got in my car I see
21 he walking at a fast pace towards me.

22 Q Do you recall what that person looked like that
23 night --

24 A No. Not entirely, no.

25 Q As he approached your car, what was the next

1 just was robbed at gun point. At that time they
2 told me park the car and to go with them.

3 Q. Now, how much money, approximately, did
4 you give this person with the gun?

5 A. Maybe, think maybe close to \$150.

6 Q. And when you went -- did you actually get
7 into the police officer's van?

8 A. Yes.

9 Q. Did you drive around with them for
10 awhile?

11 A. Yes.

12 Q. Did there come a time when you saw
13 someone sitting in a restaurant?

14 A. Yes, I did.

15 Q. Could you describe what happened then,
16 for the Grand Jury?

17 A. Sure. I mean we drove, I would say maybe
18 30 minutes, and the police officers actually
19 showed -- they had few people that had there, had
20 stopped during those 30 minutes. I know, I know
21 if I see that individual, I know I will recognize
22 him. We stopped, basically, the restaurant and
23 say you saw this individual with a -- was wearing
24 a blue T-shirt. I told him I'm not sure. I was
25 like 'cause it was kind of dark where it was, plus

(EXhibit N.)

Arrest Date JAN 29, 2002
Time 5:04 A.M.
ARRAIGNMENT

Date _____
The defendant upon appearing for arraignment:

was assigned Legal Aid Society counsel for arraignment only.
was assigned Legal Aid Society counsel for arraignment only.
was represented by his own counsel.
INDICTMENT NO. 00342/02
was represented by himself,
was furnished with a copy of the accusatory instrument filed against him.

was informed pursuant to section 5.10.30-3 of the CPL.
was informed pursuant to section 180.10 of the CPL.
waived the requirement that he be informed pursuant to section 180.10 of the CPL.
was informed pursuant to section 180.7-1 of the V.T.L.
was served with notice by the District Attorney pursuant to section 710.30-1a of the CPL.
was served with notice by the District Attorney pursuant to section 710.30-1b of the CPL.
was not notified by the District Attorney pursuant to section 190.50-5a of the CPL.

NOTICE OF APPEARANCE

HON. BUTLER
CTREP. SCHNEIDER
JAN-30-2002 AR-3

Judge

XXXXXXXXXXXX
2002QND03984
XXXXXXXXXXXX
OF THE CITY OF NEW YORK
Part 1
COUNTY OF QUEENS
The People of the State of New York vs.

MANUEL PEREZ 27 (m)
NAME AGE
34-38 112 STREET
STREET ADDRESS
NY NY
CITY STATE
NAME AGE
STREET ADDRESS
CITY STATE
NAME AGE
STREET ADDRESS
CITY STATE
NAME AGE
STREET ADDRESS
CITY STATE
Defendants are charged with a violation of
PL 160.15-4

PO KERRI A HOOVER 115 PCT
OFFICERS' NAME SHIELD# COMMAND
VACATION/LEAVE DUTY CHART
PCT. 002004195 COMPLAINT PREPARED BY HON. BUTLER
ARREST SERIAL # CTREP. SCHNEIDER
Search Warrant # Executed in this case.

ADJOURNI

To Part AP-6
To Date 2/1/02

BAIL CONDITION

#1 \$3,000/50,000
#2
#3
#4

REQUEST PRESENT ABSENT
People, Officer, Officer, Off
Defense Complainant Complainant Compl.
Consent Defendant, Defendant, Defe
Court Attorney Attorney Att'd direct
SPEEDY TRIAL

Adjournment period to be excluded
Sec. 30.30 CPL.
Adjournment period to be charged
Sec. 30.30 CPL.
The defendant, being without confirmation to this adjournment after having his rights under the Speedy Trial Act, effect of his consent.

Psychiatric examination ordered
Custody Out Patient
Narcotic examination ordered.
Medical attention required.
BUTLER
SCHNEIDER
JUDGE

(Exhibit 0.)

P.O. Hoover - People - Cross

1 intoxicated in any way, shape or form?

2 THE WITNESS: Not at all.

3 MR. SHEEHAN: To finish, your Honor, it's not
4 a trial that has a probable cause issue I'm bringing
5 up. I could submit cases. The Court considered other
6 evidence that would suggest that the identification is
7 wrong.

8 THE COURT: That's not a hearing issue though.

9 MR. SHEEHAN: For probable cause here.

10 MS. LIPKANSKY: There's also no Dunaway
11 hearing.

12 THE COURT: Let me get it out of the way.
13 There's probable cause. The point out by the civilian
14 witness in and of itself is sufficient under case law to
15 establish probable cause.

16 MR. SHEEHAN: There are cases that say clearly
17 if there specifically is other evidence even though
18 there is a point out by a civilian witness of someone
19 identifying someone as a perpetrator of the crime, the
20 other evidence must be considered to determine whether
21 there is probable cause. That's my position.

22 THE COURT: Show me those cases.

23 MR. SHEEHAN: I'll be glad to bring in the
24 cases.

25 THE COURT: I'd love to see them.

Argument - Defense

THE CLERK: Eleven, 342/2002, Daniel Perez.

Let the record reflect the presence of the official Spanish interpreter.

MS. LIPKANSKY: Maryam Lipkansky for the People.

MR. SHEEHAN: Thomas Sheehan for Manuel Perez.

THE COURT: Mr. Sheehan, Ms. Lipkansky, this case is on for continued hearing. The People, the last time the case was on in front of me, had rested. This case was on today to see if the defense wishes to present any evidence.

MR. SHEEHAN: One moment.

(Counsel conferring with client).

MR. SHEEHAN: Your Honor, at this point the defense would rest.

THE COURT: Counsel wish to make any oral argument at this point?

MR. SHEEHAN: I would just state, your Honor, it's my position that the statement is a product of a custody, and it was in such a way that it was designed to elicit a response. Also, the identification or the arrest of my client and the subsequent identifications were not just confirmatory in nature. He was inside of an establishment, and he
lam

1 cent.

2 THE COURT: Who retained you?

3 MR. SHEEHAN: Your Honor, because I've known
4 Mr. Perez on this Civil Rights matter, Mr. Coakley was
5 representing him; he was having problems. He asked me
6 to represent him. I thought it was something I could
7 work out. Two years later we haven't been able to work
8 it out.

9 He's paid me nothing, and I understand that.
10 I didn't expect him to pay me because he's in jail, he
11 has no funds. We did two days of hearings. He was at
12 Mid-Hudson for a 730. His defense is very clear, which
13 is, the assistant and the police have fabricated this
14 case.

15 THE COURT: Let's hold it there. So,
16 whatever it is you know, discussions you have had, you
17 also do not want to be in a position to say anything
18 negative to someone who you have been representing.

19 So, we will hold it at that. I am relieving
20 counsel.

21 The matter is going to have to be adjourned
22 for the appointment of 18b counsel, since he has been
23 incarcerated, and also the subject of a 730, and it
24 will take counsel a little time to get new counsel up
25 to speed on this.

(Exhibit Q.)

1 A After the first time?

2 Q Yes, after the first time.

3 A Yes.

4 Q And when was the second time?

5 A July 17th of 2003.

6 Q And what was that for?

7 MS. LIPKANSKY: Objection.

8 THE COURT: Step up at the side for a minute
9 with the reporter.

10 (The following proceedings took place at
11 sidebar.)

12 THE COURT: What was that arrest for?

13 MS. LIPKANSKY: Your Honor, he was acquitted
14 after trial of that case.

15 THE COURT: That's a bad faith basis for it.

16 MS. LIPKANSKY: I'm going to ask him that one
17 question. I'm going to ask one question, what was the
18 result of that case, because I think now --

19 THE COURT: It was a misdemeanor?

20 MS. LIPKANSKY: I think it was a felony
21 arrest, but he went to trial. He was acquitted.

22 THE COURT: What was the charge?

23 MS. LIPKANSKY: I think it was a drug related
24 charge.

25 THE COURT: Possession or sale?

EXHIBIT P.

Mr. Manuel Perez (AKA Miguel)
05 A 1946
Greenhaven CF
P.O. Box 4000
Stormville, NY 12582

July 15, 2015

Office of the District Attorney
Queens County
Queens County Courthouse
125-01 Queens Blvd.
Kew Gardens, NY 11415

RE: People v. Manuel Perez (AKA Miguel)
NYSID No. 5720803R

Dear Sirs:

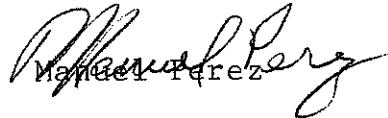
I am endeavoring to obtain a copy of the original arrest report of an incident that transpired on January 29, 2002 at approximately 5:00 AM in the vicinity of 39-16 111 th. Street in Corona Queens. On this date and time I was detained by Officers Christopher Camecho [phonetic] and Kerri Hoover of the 115th. Pct. for the crime of Criminal Mischief 3rd. Degree. There were no other charges involved in this incident.

I am also requesting that I am provided with a copy of the DA's "file jacket" associated with this matter, reflecting the charges and the proceedings had therefore and the manner of disposition.

If these documents can not be provide to me as a courtesy I would request that they be provided to me, at the earliest, under the provisions set forth under Public Officers Law §§ 84-90 and that the materials be provided to me at my expense.

I take this opportunity to thank you for your attention and any and all assistance provided to me in regards to this matter.

Sincerely,


Manuel Perez

Enclosure: FDNY Ambulance Call Report

06-8688

FDNY AMBULANCE CALL REPORT

NO. 3414401 4

| Unit: AMBULANCE | Unit: 4601 | Unit Type: ALS | Shield: 111 | Driver: 5748 | Shield Tech: 5748 | CAD No: 5748 | Responded from: 103 ST / 35 AVE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--------------|---|--------------------------------------|--------------------------------------|-------------------|---------------------------|---------------------------------|--------------|-----------------|---------------------|------|-----|----------|------|------------|------------|--------|---------------|-----------|-----|----|-----|--|--|------------|------------|------------|------------|-----------|-----------|-----|----|-----|--|--|-----------|----------|----------|-------------|------------|--|--|--|--|--|--|---------|----------|--------------|--------------|---------------------|--|--|--|--|--|--|--|--|-------------|--------------|------------------|--|--|--|--|--|--|--|--|--------------|-----------------|--|--|--|--|--|--|--|--|--|--|----------------|--|
| 11 ST Roosevelt | | Boro: Boro | Apt: Apt | PD Badge Number: 5262 | Precinct: 115 | Call Type: (Unknown cond) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Patient's Last Name: VINCENT | | First Name: IMPIRE | | Sex: M | Age: UTO | DOB: MMDDYYYY | UTO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home Address: UTO | | Apt: UTO | Social Security Number: UTO | | RECD: 0532 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| City: UTO | State: UTO | Zip Code: UTO | Next of Kin: UTO | Telephone: UTO | 10-63: 0532 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pric. Treatment at Scene: None | By Whom: UTO | Prior: <input type="checkbox"/> Defibrillation(s), No.: | <input type="checkbox"/> CPR, Mins.: | 10-84: 0534 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CHIEF COMPLAINT: Pt did not speak / Pt was maced by PD | | By: <input type="checkbox"/> PD <input type="checkbox"/> FD <input type="checkbox"/> Other: | | <input type="checkbox"/> CPR, Mins.: | | 10-82: 0546 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | 10-81: 0553 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | AVAIL: 0634 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | MILEAGE: 01 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MEDICAL: If more than one is checked, circle the primary problem <input type="checkbox"/> Airway Obstruction <input type="checkbox"/> CVA / TIA <input type="checkbox"/> Hemorrhage <input checked="" type="checkbox"/> Respiratory Distress <input type="checkbox"/> Overdose <input type="checkbox"/> Abdominal Pain <input type="checkbox"/> Dehydration <input type="checkbox"/> Nausea / Vomiting <input type="checkbox"/> Respiratory Failure <input type="checkbox"/> Substance <input type="checkbox"/> Allergic Reaction <input type="checkbox"/> Dizziness <input type="checkbox"/> Newborn <input type="checkbox"/> Respiratory Arrest <input type="checkbox"/> Seizure <input type="checkbox"/> Altered Mental Status <input type="checkbox"/> Environmental <input type="checkbox"/> Obvious Death <input type="checkbox"/> Shock <input type="checkbox"/> Poison <input checked="" type="checkbox"/> Behavioral <input type="checkbox"/> Haz-Mat <input type="checkbox"/> Cold <input type="checkbox"/> Heat <input type="checkbox"/> Ob / Gyn: <input type="checkbox"/> Labor <input type="checkbox"/> Syncope <input type="checkbox"/> Cardiac Arrest <input type="checkbox"/> General Malaise <input type="checkbox"/> Delivery <input type="checkbox"/> Unconscious <input checked="" type="checkbox"/> Other: Mace <input type="checkbox"/> Chest Pain <input type="checkbox"/> GI Distress / Bleed <input type="checkbox"/> Psychotic / Suicidal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TRAUMA Location: <input type="checkbox"/> Anterior <input type="checkbox"/> Posterior Type: Inhalation <input type="checkbox"/> Amputation <input type="checkbox"/> Burn: <input type="checkbox"/> Thermal <input type="checkbox"/> Chemical <input type="checkbox"/> Electrical <input type="checkbox"/> Cardiac Arrest <input type="checkbox"/> C.N.S. <input type="checkbox"/> Crush <input type="checkbox"/> FX/Dislocation <input type="checkbox"/> Head Trauma <input type="checkbox"/> Hemorrhage <input type="checkbox"/> Impaled Object <input type="checkbox"/> Paralysis <input type="checkbox"/> Shock <input type="checkbox"/> Soft Tissue <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MECHANISM OF INJURY <input type="checkbox"/> Assault <input type="checkbox"/> Child Abuse <input type="checkbox"/> Cold <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Elder Abuse <input type="checkbox"/> Fall <input type="checkbox"/> G.S.W. <input type="checkbox"/> Hazardous Materials <input type="checkbox"/> Heat <input type="checkbox"/> Machinery <input type="checkbox"/> MVA: Seatbelts <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pedestrian Struck <input type="checkbox"/> Stab <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HISTORY <input type="checkbox"/> Denies <input checked="" type="checkbox"/> Unknown UTO <input type="checkbox"/> Amputee <input type="checkbox"/> Asthma <input type="checkbox"/> Bed Confined <input type="checkbox"/> Cancer <input type="checkbox"/> Cardiac <input type="checkbox"/> CHF <input type="checkbox"/> COPD <input type="checkbox"/> CVA / TIA <input type="checkbox"/> Diabetes <input type="checkbox"/> Dialysis <input type="checkbox"/> Frail/Debilited <input type="checkbox"/> HIV/AIDS <input type="checkbox"/> Hypertension <input type="checkbox"/> Incontinent <input type="checkbox"/> IVDA <input type="checkbox"/> Seizures <input type="checkbox"/> TIA <input type="checkbox"/> Wheelchair Confined <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MEDICATIONS <input type="checkbox"/> Denies <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Compliant Possible placental pump ALLERGIES <input type="checkbox"/> Denies <input checked="" type="checkbox"/> Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>TIME</th> <th>B.P.</th> <th>PULSE</th> <th>RESP</th> <th>GCS</th> <th>TRAUMA #</th> <th>SKIN</th> <th>SKIN TEMP.</th> <th>SKIN COLOR</th> <th>PUPILS</th> <th>MENTAL STATUS</th> </tr> </thead> <tbody> <tr> <td>05:38 UTO</td> <td>108</td> <td>25</td> <td>UTO</td> <td></td> <td></td> <td>Normal 1 2</td> <td>Normal 1 2</td> <td>Normal 1 2</td> <td>Normal 1 2</td> <td>Alert 1 2</td> </tr> <tr> <td>05:47 UTO</td> <td>106</td> <td>26</td> <td>UTO</td> <td></td> <td></td> <td>Moist 1 2</td> <td>Warm 1 2</td> <td>Pale 1 2</td> <td>Dilated 1 2</td> <td>Verbal 1 2</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Dry 1 2</td> <td>Cool 1 2</td> <td>Cyanotic 1 2</td> <td>R Larger 1 2</td> <td>Painful Stimuli 1 2</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Flushed 1 2</td> <td>L Larger 1 2</td> <td>Unresponsive 1 2</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Jaundice 1 2</td> <td>Constricted 1 2</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Unreactive 1 2</td> <td></td> </tr> </tbody> </table> | | | | | | | | TIME | B.P. | PULSE | RESP | GCS | TRAUMA # | SKIN | SKIN TEMP. | SKIN COLOR | PUPILS | MENTAL STATUS | 05:38 UTO | 108 | 25 | UTO | | | Normal 1 2 | Normal 1 2 | Normal 1 2 | Normal 1 2 | Alert 1 2 | 05:47 UTO | 106 | 26 | UTO | | | Moist 1 2 | Warm 1 2 | Pale 1 2 | Dilated 1 2 | Verbal 1 2 | | | | | | | Dry 1 2 | Cool 1 2 | Cyanotic 1 2 | R Larger 1 2 | Painful Stimuli 1 2 | | | | | | | | | Flushed 1 2 | L Larger 1 2 | Unresponsive 1 2 | | | | | | | | | Jaundice 1 2 | Constricted 1 2 | | | | | | | | | | | Unreactive 1 2 | |
| TIME | B.P. | PULSE | RESP | GCS | TRAUMA # | SKIN | SKIN TEMP. | SKIN COLOR | PUPILS | MENTAL STATUS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 05:38 UTO | 108 | 25 | UTO | | | Normal 1 2 | Normal 1 2 | Normal 1 2 | Normal 1 2 | Alert 1 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 05:47 UTO | 106 | 26 | UTO | | | Moist 1 2 | Warm 1 2 | Pale 1 2 | Dilated 1 2 | Verbal 1 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | Dry 1 2 | Cool 1 2 | Cyanotic 1 2 | R Larger 1 2 | Painful Stimuli 1 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | Flushed 1 2 | L Larger 1 2 | Unresponsive 1 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | Jaundice 1 2 | Constricted 1 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | Unreactive 1 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIRWAY <input type="checkbox"/> Abdominal/Chest Thrust <input type="checkbox"/> Modified Jaw Thrust <input type="checkbox"/> Hyperextension <input type="checkbox"/> Suction <input type="checkbox"/> DeLee OXYGEN THERAPY <input type="checkbox"/> Bag Valve Mask w/ O ₂ <input type="checkbox"/> Mouth to Mask <input type="checkbox"/> Cannula <input type="checkbox"/> Rebreather L.P.M.: 15 IMMOBILIZATION <input type="checkbox"/> Backboard: <input type="checkbox"/> Long <input type="checkbox"/> Short <input type="checkbox"/> Splint <input type="checkbox"/> Fixation <input type="checkbox"/> Traction <input type="checkbox"/> Head Immobilizer <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BLS and ALS INTERVENTIONS <input type="checkbox"/> Activated Charcoal <input type="checkbox"/> I.V. <input type="checkbox"/> I.O. <input type="checkbox"/> Saline Lock <input type="checkbox"/> Control Bleeding <input type="checkbox"/> Monitor <input type="checkbox"/> Cardiotoc <input type="checkbox"/> Pacing <input type="checkbox"/> Draw Blood <input type="checkbox"/> Heat/Cold Application <input type="checkbox"/> ET Tube <input type="checkbox"/> NG Tube <input type="checkbox"/> Drug Therapy <input type="checkbox"/> Ipecac <input type="checkbox"/> Epi-Pen <input type="checkbox"/> Needle Cricothyroidotomy <input type="checkbox"/> Insta-Glucose <input type="checkbox"/> Irrigation <input type="checkbox"/> Chest Decompression <input type="checkbox"/> Nebulizer <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Presumptive Diagnosis: Respiratory distress 2° chemical irritation Patient Condition: <input type="checkbox"/> Critical <input type="checkbox"/> Unstable <input type="checkbox"/> Potentially Unstable <input checked="" type="checkbox"/> Stable <input type="checkbox"/> DOA <input type="checkbox"/> Rigor mortis <input type="checkbox"/> Extrema Dependent Lividity <input type="checkbox"/> Obvious Death <input type="checkbox"/> Decomposition <input type="checkbox"/> DNR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TIME EKG RHYTHM / MEDICATION(S) Pt Unknown while mace found in police custody. Pt was sprayed with mace by pd after kicking out window of police car. Pt was placed in restraint bag by Pds. Pt is verbal also very combative. Pds advised EMS that pt had placental pump on him. Pt placed on O ₂ via NRB @ 15 LPM and ALS requested. Pt PEARL L/S clear equal bilat. LOC signs of trauma. @ Perfusion / motor / sensory x 4 extremities. @ abdominal distention x 4 quadrants. Unable to obtain info on pt. For further info see 49X1 ACR # 0658688 Pt transported in 4601 with 49X1. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TREATMENT / RESPONSE Pt transported in 4601 with 49X1. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| On-Line Medical Control Channel: <input type="checkbox"/> On-Line Medical Control Physician: <input type="checkbox"/> Number: <input type="checkbox"/> Termination Time: <input type="checkbox"/> Controlled Substance: <input type="checkbox"/> Amount Administered: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C.S. Administered By Name/Shift: <input type="checkbox"/> Signature: <input type="checkbox"/> URN: <input type="checkbox"/> Amount Wasted: <input type="checkbox"/> Witness Name/Title/Signature: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Removed to Vehicle By: <input type="checkbox"/> Chair <input type="checkbox"/> Walked <input type="checkbox"/> Carried <input checked="" type="checkbox"/> Scoop / Flat (Sirex) <input type="checkbox"/> No. Patients Transported: 31 <input type="checkbox"/> Transport Position: <input type="checkbox"/> Supine <input type="checkbox"/> Sitting <input type="checkbox"/> Prone <input type="checkbox"/> Restrained <input type="checkbox"/> Shock <input checked="" type="checkbox"/> Semi/Full Fowlers <input type="checkbox"/> Left Lateral Recumbent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hospital No.: 32 Hosp. Name: ESH Hospital Selection: <input checked="" type="checkbox"/> Nearest <input type="checkbox"/> Patient / Family Choice <input type="checkbox"/> Specialty Referral <input type="checkbox"/> Physician <input type="checkbox"/> Diversion | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Treated by: 49X1 Transported by: 4601 Disposition: <input type="checkbox"/> 10-82A <input type="checkbox"/> 82B <input type="checkbox"/> 82M <input type="checkbox"/> 83 <input type="checkbox"/> 93 <input type="checkbox"/> 94 <input type="checkbox"/> 94A <input type="checkbox"/> Other: with 49X1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| E.O. Chart No.: <input type="checkbox"/> Insurance ID Number: <input type="checkbox"/> Medicare <input type="checkbox"/> Medicaid <input type="checkbox"/> Blue Cross <input type="checkbox"/> Commercial Insurance <input checked="" type="checkbox"/> Self Pay <input type="checkbox"/> Work Related <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hospital Receipt: <input type="checkbox"/> Agent: <input type="checkbox"/> Signature: <input type="checkbox"/> Time: 06027 FDNY Supervisor: <input type="checkbox"/> Signature: <input type="checkbox"/> Shield: <input type="checkbox"/> Date: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

FIRE DEPARTMENT CITY OF NEW YORK

I hereby certify that the information contained in this document is accurate and true to the best of my knowledge and belief.

Signature: [Signature] Date: 11/09/16

EXHIBIT

25 E11A 0518 @*AB659-020290433 B659
 05 E11A 0518 @*20 ETA 0522
 05 D42A 0518 @AF*
 08 D42A 0518 @*
 14 D34A 0521 115LT1 @*
 14 D34A 0522 115ST1 @*
 05 E11A 0523 @*25 46C1 BLSN
 12 D41A 0525 0ESB10 10-84 0525 @*
 05 D41A 0527 @*MALE BREAK OUT RMP WINDOW---NO FURTHER NEEDED 1
 399-CW
 05 D34A 0530 @AF*2ND REQST FOR EMS---111 & ROOSEVELT---D 232
 2 HOT
 05 E11A 0531 @*21
 05 E11A 0531 @*24 90
 05 E11A 0533 @D*17 EMS ENROUTE TO 111 ROOSEVELY ... PLZ ADV CO
 NDITION
 05 D41A 0533 @*EMS 699 NTF 1399-CW
 08 D34A 0534 @*
 14 D34A 0534 115SP4 @*
 05 D43A 0534 @D*AUTH OF EMS LT1 VIA LL--EMS ENROUTE--CW1630
 08 D34A 0534 @*
 14 D34A 0536 115A @*
 14 D34A 0538 115SP88 @*
 12 D41A 0546 0ESB10 10-87 0546 @*
 14 D34A 0547 115H @*
 14 D34A 0548 115F @*
 12 D34A 0549 115H 10-87 0549 @*EGH--
 13 D34A 0549 115F 10-98 0549 @*
 13 D34A 0550 115ST1 10-98 0550 @*
 14 D34A 0552 115LT1 @*
 13 D34A 0558 115A 10-98 0558 @*
 05 B05A 0608 @N*DU LOWNEY NTFD---SPCT SIMMONS
 08 B13A 0624 @*
 14 D34A 0643 115SP88 @*
 14 D34A 0651 115H @*
 08 B04A 0651 @*
 14 D34A 0705 115LT1 @*
 -1H- 14 D34A 0710 115SP4 @*
 14 D34A 0714 115SP88 @*
 13 D34A 0721 115SP4 10-92C 0721 @*
 13 D41A 0721 0ESB10 10-91 0721 @*97H

Mr. Manuel Perez
(AKA) Miguel Perez
05 A 1946
Greenhaven, CF
P.O. Box 4000
Stormville, NY 12582

September 28, 2015

Office of the District Attorney
Queens County
Queens County Courthouse
125-01 Queens Blvd.
Kew Gardens, Queens NY 11415

RE: People v. Manuel Perez (AKA Miguel)
NYSID No. 5720803R

Dear Sirs:

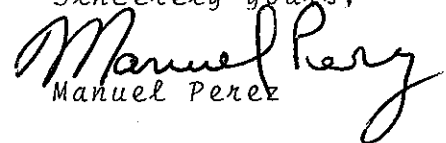
Once again I am addressing a missive to you concerning the following:

On or about July 15, 2015 I contacted your office requesting that I be provided with a copy of the original arrest report of an incident that transpired on January 29, 2002 in which I was charged, that happened in the vicinity of 39-16 111th. Street in Corona, Queens. The officers involved in this incident were Christopher Camecho and Kerri Hoover. As of this date I have not received any information from your office.

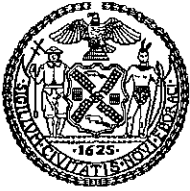
I had also requested a copy of the DA's "file jacket" associated with this matter, reflecting the charges and the proceedings had thereto and the disposition.

As of this date I have not received any information from your office and am requesting an immediate response in order to avert having to go through the judicial process to obtain the same. I am respectfully requesting your cooperation in these matters and take the time, once again, to thank you for your anticipated cooperation.

Sincerely yours,


Manuel Perez

cc: file (4)



Richard A. Brown
District Attorney

DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415
(718) 286-6000

October 28, ²⁰¹⁵~~2014~~

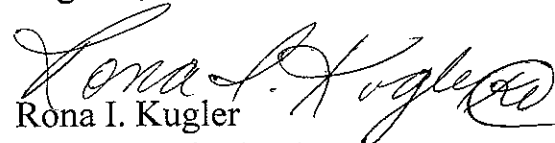
Manuel Perez
05-A-1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

Freedom of Information Law Request
People v. *Manuel Perez*
Queens County Indictment #342/02

Mr. Perez:

We are working on your request relating to the above-referenced matter. Within sixty days from the date of this letter, we will notify you of the result of your request.

Regards,


Rona I. Kugler
Assistant District Attorney
Records Access Officer

RIK/v

Manuel Perez, DIN #05-A1946
Green Haven Correctional Facility
P.O. Box 4000
Stormville, N.Y. 12582

November 3, 2015

Rona I. Kugler
Assistant District Attorney
Queens County District Attorney Office
125-01 Queens Blvd.
Kew Gardens, N.Y. 11415

FREEDOM OF INFORMATION LAW REQUEST
PEOPLE V. MANUEL PERE
QUEENS COUNTY INDICTMENT #342/02

Record Access Officer Rona Kugler:

I have received a correspondence from your office informing me that based on my prior FOIL request and the receipt of payment, that my request would be processed; and that I would be contacted within 60 days of August 6, 2015.

As of the writing of this letter, the 60 days has elapsed and I have not received anything from your office. I am asking that you look into this matter and notify me as to the status of this FOIL request.

The resolution of this matter with disclosure of the requested information would be greatly appreciated. Thank you in advance.

Respectfully


Manuel Perez

cc: file

Manuel Perez, 05A1946
Woodbourne Corr. Fac.
99 Prison Road
P.O. Box 1000
Woodbourne, N.Y. 12788

Rona I. Kugler
Assistant Dist. Atty.
125-01 Queens Blvd
Kew Gardens, NY 11415

March 28, 2016

Re: Queens County Ind. 342/2002

Dear Hon. Kugler;

Once again I am addressing a missive concerning the following letter, of July 15, 2015, September 28, 2015, and November 3, 2015. Requesting a copy of the arrest reports on January 29, 2002, approx. 5:04 am., for the charge of criminal mischief 3rd degree by Officers Hoovert and Camacho from 115 pricenct in Queens.

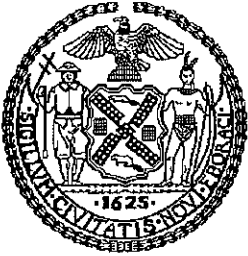
Also a copy of the DA's "file Jacket".. Associated with this matter. (*see ATTACHED*)

Thank you for your time, help and cosideration in this matter.

Sincerely,


Manuel Perez

cc: P.M.



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718) 286-6000

RICHARD A. BROWN
DISTRICT ATTORNEY

April 7, 2016

Manuel Perez
05-A-1946
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, New York 12788

Re: Freedom of Information Law Request
People v. Manuel Perez
Queens County Indictment No. 342/02

Dear Mr. Perez

We have received your recent letter dated March 28, 2016, made pursuant to the Freedom of Information Law. In that letter you are inquiring regarding a request for (1) a copy of the arrest reports on January 29, 2002, approximately 5:40 a.m., for the charge of Criminal Mischief in the Third Degree by Officers Hoover and Camacho from the 115th Precinct and (2) a copy of the DA's file jacket.

Having recently sent you: 115th Precinct Squad Line-Up Forms prepared by Detective Paccio for all three line-ups conducted on January 30, 2002, we have sent your trial folder back to our records room. We will reorder the file and then process your request for these two items. Within sixty days from the date of this letter, we will notify you of the status of your request.

Regards,

Rona I. Kugler
Assistant District Attorney
Records Access Officer

RK/dr

2

Manuel Perez 05A1946
Woodbourne Corr Fac
99 Prison Road
P.O. Box 1000
Woodbourne, N.Y. 12788

Rona I. Kugler
Assist. Dist. Atty.
125-01 Queens Blvd
Kew Gardens, NY 11415

June 28, 2016

Re: Freedom of Information Law Request
People V. Manuel Perez
Queens County Indictment No. 342/02

Dear Ms. Kugler:

I would like to thank you for the three (3) copies you send to me a few months ago, concerning a line up.

Here I am sending you a copy of a letter dated April 7, 2016 which you send to me were you had stated that in sixty (60) days you would give me an answer, which I have not receive response, and I need a copy of such documents. I am sending you a copy from original F.I.O.L. Request.

Also, I would like to remind you that my daughter Jasmine is waiting for your response of a copy of the D.A. Opposition pertaining to the 440.10 Line procedure. Which process ended in 2015. Please don't forget to call Jasmine, her number is (917)709-3112 cell phone.

Thank you for your time, help and consideration on this matter.

Respectfully,


Manuel Perez



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718)286-6000

Richard A. Brown
District Attorney

July 22, 2016

Manuel Perez
05-A-1946
Woodbourne Correctional Facility
99 Prison Road
Woodbourne, NY 12788

Re: Freedom of Information Law Request
People v. Manuel Perez
Queens County Indictment Number 342/02

Mr. Perez:

We are working on your request relating to the above-referenced matter and are awaiting receipt of your files from archives. Within sixty days from the date of this letter, we will notify you of the result of your request.

9/19/16
60 day

Regards,

A handwritten signature in black ink, appearing to read "AS", with a long, sweeping horizontal line extending to the right.

Anastasia Spanakos
Assistant District Attorney
Records Access Officer

AS/kv



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
(718)286-6000

Richard A. Brown
District Attorney

October 19, 2016


Manuel Perez
05-A-1946
Woodbourne Correctional Facility
99 Prison Road
Woodbourne, NY 12788

Re: Freedom of Information Law Request
People v. Manuel Perez
Queens County Indictment Number 342/02

Mr. Perez:

We are working on your request relating to the above-referenced matter and are awaiting receipt of your files from archives. Within sixty days from the date of this letter, we will notify you of the result of your request.

Regards,



Anastasia Spanakos
Assistant District Attorney
Records Access Officer

AS/kv

originals

(Exhibit R.)

1 on behalf of your client?

2 MR. WORGAN: Yes. Before I get into it
3 though, I would like any sentence that I give him that
4 he be given any psychiatric treatment that he needs.

5 THE COURT: So ordered.

6 MR. WORGAN: Judge, I am not going to go into
7 the facts of the matters. You heard the trial, the
8 jury spoke, and we know what the jury believes they
9 know what happened.

10 I am going to ask you to be more lenient with
11 the defendant. Whether he is malingering now or not, I
12 am not sure. I think his entire psychiatric
13 background, it goes back a long way, even the doctors
14 who examined him, and I know you found him fit.

15 We know that on a number of occasions he has
16 been found unfit. The 3.90 found him unfit. Some of
17 the doctors on the 7.30 found him unfit. They had done
18 some of his earlier 7.30 examinations and he does have
19 problems.

20 I am not stating that he doesn't or that he
21 is an angel. I think his psychiatric problems had the
22 polysubstance abuse problems that go back a very, very
23 long way.

24 We know from the testimony of the hearing,
25 his daughter said he is not right in the head. His